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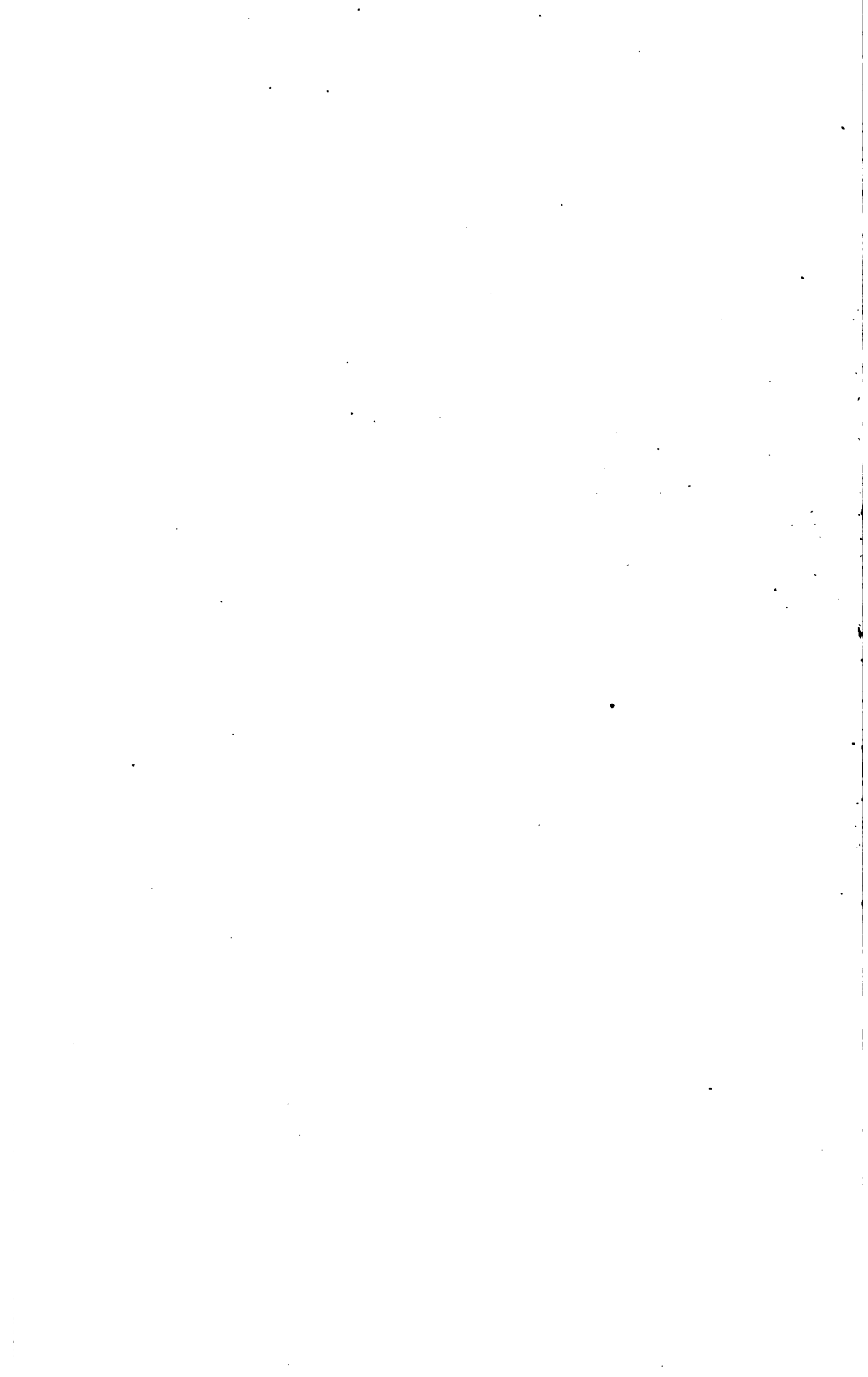
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THE BIBLE AND POLITICS:

OR, AN HUMBLE PLEA FOR

Equal, Perfect, Absolute Religious Freedom,

AND AGAINST ALL

SECTARIANISM IN OUR PUBLIC SCHOOLS.

By REV. W. A. SCOTT, D. D.

"You, Oh Athenians, I embrace and love, but I will obey God rather than you."

[Socrates' Dying Speech.]

Poster! Poster! vestra res agitur, —
Advortite.

Posterity, posterity, this is a concern of yours, —
Be attentive.

[From an inscription on the road from Naples to Vesuvius, warning the people to beware of eruptions.]

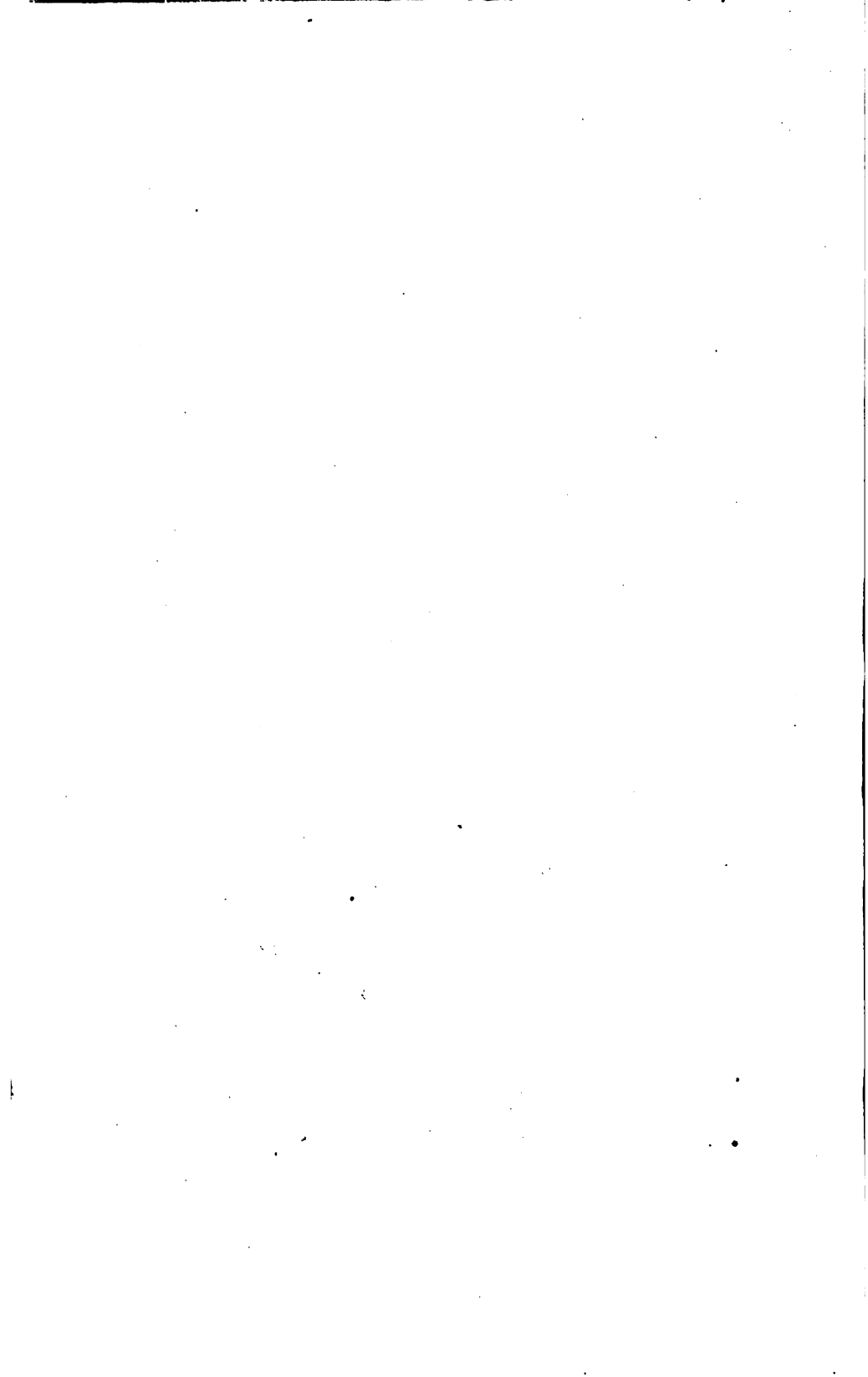
"The magistrate is not to meddle with religion, or matters of conscience, nor compel men to this or that form of religion, because Christ is the King and lawgiver of the Church and Conscience."—[The Baptist Confession of Faith of 1611, the very same year in which our present English version of the Bible was given to the world.]



SAN FRANCISCO:

H. H. BANCROFT & CO.

1859.



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70198

Entered according to Act of Congress in the year of our Lord, 1859,

By W. A. SCOTT,

In the Clerk's office of the District Court of the United States, for the
Northern District of California.

ADVERTISEMENT.

"Audi alteram partem.—Hear the other side."

For some years, and particularly of late, our country has been agitated about "Sunday laws," "Chaplains," and "the Bible in the National Schools." From Maine to the Pacific, the *religious* papers are more or less given to the controversy, and very many pulpits urge it on. From the Episcopalian Bishop of Vermont, who has written a book designed to show that religion is connected with everything that is American, especially *his* religion, down to the Colporteur, who distributes "tracts on Popery," and carries round petitions to the Legislature for Sunday laws, there is a tendency to unite religious and political matters, and to promote Christianity by legislative aid, which I must consider derogatory to the Church of Christ, injurious to the Gospel, and of most dangerous tendencies to the peace of society.

I understand the compulsory use of the Bible in our schools to mean teaching religion by stress of law, and this, in our country, I consider fanatical, unconstitutional, unjust, and tyrannical. While I believe, with all my heart, in the Word of God, *I am opposed to any statute to compel me or my child to read or hear the Bible read anywhere, or that shall compel my neighbor, or his child, to hear or read the Bible anywhere contrary to his wishes, and the honest convictions of his own conscience.*

It is to explain and defend my views on this subject in the light of Christianity, and of our organic laws, that these pages are published. And I have been the more constrained to offer my views to my fellow-citizens, because the sentiments put forth at this time among us with such extraordinary zeal, are not only erroneous, in my judgment, but they are fraught with most disastrous consequences both to civil liberty and the Gospel. And in trying to expose these dangerous tendencies, I would also contribute my humble part toward removing prejudice, softening sectarian enmity, and the promotion of peace and concord among my fellow-citizens of all creeds. The fact that it is not within the power of any single individual to shape and control public feeling, is no reason for withholding individual effort. The man is a traitor to his highest duty, who fails to urge his conscientious convictions with all the might of his arguments upon his fellow-men, that he may do his part, however humble it may be, in the formation of an enlightened public opinion.

5th May, 1859.



W. A. SCOTT.

DEDICATION.

TO MY FELLOW-CITIZENS, of every race and nation, and of every tongue and of every religious persuasion, and of every shade of political and religious opinion—fervently praying them to give this great subject their calm, patient and intelligent consideration—this humble PLEA for universal, impartial, absolute, perfect personal and social *freedom of conscience*, is most respectfully dedicated, by

THE AUTHOR.

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1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the problem and the objectives of the research.

2. The second part of the report is a detailed description of the methods used in the study. It includes a discussion of the experimental design, the data collection procedures, and the statistical analysis techniques.

3. The third part of the report is a presentation of the results of the study. It includes a discussion of the findings, a comparison of the results with previous research, and a discussion of the implications of the findings.

4. The fourth part of the report is a conclusion and a discussion of the limitations of the study. It includes a summary of the main findings and a discussion of the strengths and weaknesses of the study.

5. The fifth part of the report is a list of references. It includes a list of the books, articles, and other sources used in the study.

6. The sixth part of the report is an appendix. It includes a list of the tables, figures, and other supplementary material used in the study.

7. The seventh part of the report is a list of abbreviations. It includes a list of the abbreviations used in the study.

8. The eighth part of the report is a list of symbols. It includes a list of the symbols used in the study.

9. The ninth part of the report is a list of footnotes. It includes a list of the footnotes used in the study.

10. The tenth part of the report is a list of appendices. It includes a list of the appendices used in the study.



THE BIBLE AND POLITICS.

I.

This Tractate called for.

"Strike, but hear me."

I am aware, fellow-citizens, that Archbishop Whately has said, an author never receives credit for avowing his motives in publishing a book; yet, I suppose he should be honest, whether the public give him credit for it or not. It is true, however, that an author may not always think it his duty to state all the motives that have prompted him to the work; but in this instance, it seems to me to be proper to say, that peculiar circumstances have, in my judgment, called for this publication, over and beyond my own conviction of the truth of the principles I endeavor to set forth. Though it is my usual way to begin a subject at the beginning, and go straight into it—in *medias res*—in this Tractate, I have judged it best, after the manner of the old Puritan divines, first to prepare the way for the text. A necessity has been laid upon me for this publication, that I would gladly have escaped from, if my convictions of duty had allowed it. I confess, I have delayed and looked around for reasons to excuse myself from this duty, but I have not been able to find such as satisfied my own conscience. The necessity has arisen in the manner following, and is in part explained by the article here published from the *San Francisco Times*. This article was written out by one of my hearers from the manuscript notes, the day after the discourse was preached. The introductory and concluding remarks are of course editorial, and the third person is used by the writer as he makes the extract in the character of a reporter; but in all other respects, the article contains word for word what I said on that occasion.

The article is as follows:

DR. SCOTT ON BIBLE EDUCATION.

Two Sabbath mornings since, the Rev. Dr. Scott delivered a discourse in Calvary Church on the subject of "The Duty of Catechising our Children in the Doctrines of our Holy Religion," and as some portions of the discourse have occasioned much discussion, we have made bold to lay before our readers a few points taken from the notes of the Rev. Doctor, though in justice to him we must say that many of the more brilliant portions of the lecture were unwritten, and came forth from the speaker as he progressed in its delivery. It

will be observed that the only part of his discourse to which our remarks apply is his allusion to the Bible in our public schools.

The first point was on the importance of teaching the youth of our nation the great truths of the Bible, which, observed the speaker, is not only a duty, as it appears from the plain, emphatic and repeated injunctions of the Scriptures themselves, and from the obligations assumed at their baptism, and from the customs of the heathen, and of the Jews, and of the whole church, but is also recommended to us because it is the best, most common sense, natural, philosophical way of strengthening their intellectual powers, and of preparing them for the duties and trials of life.

First—That our children need the Bible.

Our schools may be divided into three classes; the Sabbath Schools, which are chiefly religious and sectarian.

Second—Our public schools and State colleges, which cannot consistently, as I believe, have any religious character at all.

Third—Our denominational institutions, that is, those schools and colleges founded and managed by the churches or different denominations in which, of course, with more or less directness, their own denominational views are taught. I hold it that all our schools ought, and must, come under one or the other of these classes. For as to the attempt to build up a church, a college, or a religious institution or establishment by denominational enterprise and liberality and yet be ashamed of its true character; I think it both dishonest and cowardly, and hesitate not to say—it will be abortive.

There must be distinctiveness of character and honesty about such things, or the public will not put confidence in them, nor should they. After the uniform and unceasing teachings of this pulpit against persecution, dogmatism and intolerance, let it not be said this is bigotry—I deny the charge, said the speaker.

It is the man who is weak, unstable, dissatisfied, unable to stand alone, and always veering about, that is superstitious, bigoted and intolerant. The more clear, and strong, and self-sustaining a man's own faith is, the more charitably disposed is he toward his fellow men. I hold it then, said the speaker, that our Public Schools and State Institutions cannot know or teach any religion. We need to have it taught to our children at home, and in our Sabbath Schools and our denominational Schools and Colleges. And our Christian Colleges and Sabbath Schools are recreant if they do not honestly teach the great doctrines and distinctive duties of life.

I do not believe, said Dr. Scott, that any religion can be recognized in what the State supports. If the Treasury of the State supports an institution, then it is contrary to the genius of our government and the spirit of our laws, for it to have any religious worship or forms, and on this ground, although I should myself (said Dr. Scott) prefer to have the Bible read in our schools, and have them opened with prayer, yet I do not believe it constitutional or expedient to do so—and so of chaplains.

The point I have in hand is, (said the speaker) most of our children will be educated in the Public Schools. Religion cannot be taught to them there; it ought not to be; yet they need religious truth. Then we must have Denominational Schools.

Our friends, the Roman Catholics and the Hebrews, are consistent on this subject. They educate their own children in their own faith, and certainly I do not blame them for it; and the tendency always is, that the pupil will in the end embrace the faith of his or her school. This is natural; it is as plain and as certain as the shining of the sun. If you send a child to the Jesuit school, I know you are told its religion is not directly interfered with, and I have no doubt that in many cases this is honestly said; yet you can readily see how in a thousand ways a bias will be made to grow up in the mind of the pupil in favor of the teacher's religion. If the teacher is honest, and skillful, and beloved, he cannot help it; and history, and a reference to facts,

show beyond all doubt that about nine of every ten girls sent from Protestant families to convents become Roman Catholics. I wish, said the speaker, to be distinctly understood on this point. I am not blaming the Jesuits or the Catholics for this, I believe them to be honest and consistent in the matter; I only wish the subject to be clearly understood. In sending your child to a school, you should make up your mind to the strong probability that the child will either become an infidel, or embrace the religious views of the teachers of the school where it is educated. The result then, from these views, in my mind is this: that the first great educator of the youth of our country is, and will continue to be, the Public Schools; and I would go any reasonable length in their support, and make them so complete that their last step would be into a City University, supported in like manner, from which they should graduate with as complete an education as could be had anywhere.

Then there are, as has already been said, for those who prefer them, Denominational Schools; and then, for all, are the Sabbath Schools, so that none need grow up without religious instruction. And their personal need of such instruction is plain; they are all in need of a Saviour.

Dr. Scott's allusion to the use of the Bible in schools was brief and distinct, but his argument was to show, from the existing state of things among us—taking our Public Schools just as they are—that greater attention should be given to Sabbath Schools. His argument also enhanced the very great importance of Denominational Schools, on which he said it was his purpose to dwell more at length at another time."

I was not aware that I had not a right to use such language and to utter such sentiments as the foregoing, but for these sentiments I have been spoken of in the following style, by three city papers and their correspondents, two of which are leading religious journals, and one a daily print. The extracts that follow are literally copied from letters and these sheets, except three lines, which contain remarks made on the same subject in an ecclesiastical court. In making the quotations, much has been omitted. This style of personal invective has been more or less pursued for many months. The following are the morsels I refer to: "He (Dr. Scott) has joined the Atheists, Deists and Roman Catholics." "A singular alliance! The pastor of Calvary Presbyterian Church *with* the Pope's representatives and Infidels." "A Jesuit in disguise." "Archbishop Hughes! The Jesuits, Infidels and Dr. Scott!" "No profession of regard for our system of public instruction can conceal the Jesuitism of the author of the sentiments above referred to. He has announced a ruinous and destructive heresy, and we shall do all we can to hold him to the responsibilities of his position." "Let the notes of preparation be heard; and if the glove be thrown from an unexpected quarter, there is no occasion for intimidation. The issue must be met. The pulpits of the city and of the State will dare to take up the theme and discuss it." "The Vatican;" "the Baltimore conclave;" "the Archbishop of New York and Dr. Scott;" "a Jesuit in an evangelical Protestant pulpit;" "in decided sympathy with the Jesuits;" "a Jesuit in disguise;" "the Bible a book not fit to be read;" "the enemy of the Bible;" "against God's most holy Word;" "joined with all the enemies of the Bible in the land;" a party in "a secta-

rian and infidel association, which has for its sole object the dishonoring of the Word of God;" "avowedly anti-Christian;" "a Pope;" "a demagogue;" "fighting the battles of the Romanist," "and conceding too much to Catholics." "I am slow in getting into a fight, but I come square up to it, and will fight it through, and be the last to come out of the fight. In for a ten years war, or until victory." "But, passing from the civil to the religious, what do we find here, marring the fair fame of our State, and blighting to those whose hopes of morality in the children and youth of our land, are based upon the Bible and its teachings? A high church functionary—a D. D.,—thundering forth his egotistical anathemas against the Bible as a school book; pointing, as with a finger of scorn, at its pages, as containing matter not proper to be read in schools by the youth of our land." * * "It could have been hoped that, with our Superior Court Judges and a single Rev. D. D., the obloquy of a war upon the morality of our people, the observance of the Sabbath day, and the exclusion of the Bible from the schools of our State, could alone have rested; but it seems it required a trio of effort, fully to blacken and mar, in the opinion of the world, the otherwise fair fame of our people. It was not enough that our sons might be taught to run riot upon the Sabbath day, and hiss at the teachings of the Bible as a part of their scholastic education." And, as a mere item in the history of this controversy, let it be remembered that, when the proprietors of the paper in which this last extract was published, who are communing members, if I am not much mistaken, in a sister Christian Church, were politely remonstrated with for publishing such slanderous things against a minister of the Gospel, and assured that what they had published was erroneous, *they refused to make any correction.* Did they learn this from reading the Bible in Public Schools? Is this Christianity? Why, if I had preached "Tom Paine," or Strauss, or published a "Bibliomachia," a volume entitled "War with the Bible," I could not have been more violently assailed. A congeries of blasphemy against the blessed Word of God could not have called out more violent abuse. And what was it for? Kind reader, turn back to the extract on the preceding pages—and you have the whole head and front of my offending. And now, tell me, is this a free country? For these sentiments, Calvary Presbyterian Church was to be broken down, and its pastor virtually banished. Already were the spoils divided and speculations indulged as to what other Churches would be built up out of the ruins.

Now, I do not profess to have attained to such a sublimity of character as to be wholly indifferent to the good opinion of the religious public. I do earnestly covet the sympathy and approbation of God's people; and nothing has been to me a subject of more humble and sincere congratulation in regard to my past labors, than to receive the highest testimony of approbation in the gift of the Church, and to find, also, that my humble contributions to the

Christian literature of the day have received the *imprimature* of the Presbyterian Board of Publication. I have also abundant testimony from all quarters, that "the doctrines of these works are the doctrines of our standards, and their whole tendency is to promote knowledge and practical religion." *Biblical Rep. and Princeton Review* for Jan'y, 1859. I candidly confess that I earnestly covet the suffrages of enlightened, and pious and patriotic men. It is an unspeakable comfort in the midst of toil to be cheered by the sympathy and support of the wise and the experienced; and, consequently, every ingenuous large-hearted man must regret to find himself standing alone; but, if he does, he should console himself with "conscious rectitude within," and from the remembrance that he stands in a line of many illustrious predecessors.

These odious flings, inuendoes, misrepresentations and absolute falsehoods as to what I have preached, and as to what my principles are, I have quoted, simply for the purpose of illustrating in part why it is that it has seemed to me best to publish this Tractate. I am fully persuaded that such weapons hurt those that use them more than they do their opponents. It always betrays the weakness of a man's cause, or his want of confidence in his own powers, or the maliciousness of his heart for him to undertake to overthrow argument by personal flings. To these, therefore, I have no answer to make. I remember that Agamemnon said:

"Unruly murmurs, or ill-timed applause
Wrong the best speaker, and the justest cause."

And that "great Æneas" said to Achilles:

"Reproach is infinite, and knows no end,
So voluble a weapon is the tongue;
Wounded we wound; and neither side can fail,
For every man has equal strength to rail."

For the writers of such abusive personal flings and epithets I can have no other feeling than that of pity. My consolation flows in deep and placid streams, from principles which I fear they are not able to apprehend, and from the study of the lives of men, who in past ages have labored and suffered for the truth, but whose memory I fear they will never respect, and whose actions I fear they will never imitate.

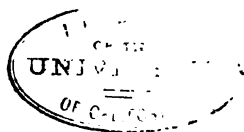
"The pulpits of the city and of the State," have taken up the subject to some extent—how extensively I am not precisely informed, but in many of the interior towns the pulpits have been thus employed; and the Rev. Drs. Anderson and Peck, of this city, for whom I have the highest personal respect, have at least preached seven Sunday evening discourses on the subject, and have also published them, or the substance of them. This they had an undoubted right to do. And I am happy to believe that no personal invectives or odious

flings have been heaped upon them, and that they have not, in any way, been molested for their opinions. No pulpit nor newspaper has bombarded their citadel, nor has any Ecclesiastical court been asked to thunder forth its "bull" against them. In this Tractate I do not acknowledge either of these Reverend Doctors, nor any one else as a personal opponent. It is true, however, that I have examined every argument or point presented in their seven Sabbath evening discourses, that in my humble judgment was of any importance, or could fairly be considered *ad rem*, and have made the best answer that I could to them. I may say the same thing of the work of Rev. Dr. Cheever, of New York, who is the leader and Ajax of this controversy. I have also before me an immense pile of letters and manuscript documents from some of the ablest and best men of the State, both for and against my views of this great question, and as far as I could, I design to make this Tractate an answer to them also, although for the present, they desire their names to remain unknown to the public. It is but justice to myself also to say here, that I have the approbation of some of the highest legal talent of the country to the principles for which I am contending.

The following extract from the last sermon of Rev. Dr. Anderson, will assist in explaining why this Plea is called for :

"A fearful responsibility rests upon the Church on this coast, at this time—and it is cheering to see her preparing to meet that responsibility. The present waking up of God's people on the subject is an earnest of speedy victory. The Protestant pulpits of California are speaking out trumpet-tongued, and so is the religious press, and to some extent the secular one." "In conclusion we say, that the duty of the State to put the word of God into all its schools is clear and imperative," with other reasons, because a system of education without the Bible "is avowedly anti-Christian;" * * "and because the State has no right to make itself a party in a sectarian and infidel association, which has for its sole object the dishonoring of the word of God, and the changing the ways of our forefathers for more than two hundred years; and finally, because God has commanded it so to do." Page 31.

Now let us observe in the above extract, 1. The attitude of the Church and the waking up of God's people with the shout already to be raised of "speedy victory," and of "the trumpet-tongued" "*Protestant pulpits*" and of the religious press; and say, is it not time for those who have any convictions of duty and any conscience that is trampled upon in this affair to speak out, and say also, if all this does not mean—does not necessarily imply, that this contest is a sectarian one—and to be made a political partisan one also? This flourish of trumpets and defiant shout, at least looks in that direction, and I fear we shall hear much more of this than is for the peace of the community in our coming elections. 2. Observe also that it is affirmed positively, "that the duty of the State to put the Word of God into



all its schools, is clear and imperative." Now for such a statement as this, we should have been furnished with the authority. A duty of the State that is "clear and imperative," ought not to rest on inferences, nor on arguments from assumptions, nor from individual constructions of the Constitution and laws. For such a duty as this we should have the chapter and article—the express authority of our organic laws, defining and pointing out this duty of the State. And then for myself, I must have also the authority of the Church—of God's people—empowering or allowing the State to do this thing. I must beg the privilege for myself of being particular on this point. I am jealous for the freedom of religion and the independence of the crown and kingdom of Jesus Christ. And even if, which I do not believe will be the case, I am left "on this coast at this time," apparently to stand alone under the "thundering shout" of "the awakened hosts" and "trumpet-tongues" of "the Protestant pulpits" of California, I must stand alone the best way I can; and hope in God for the future,

"Yet mighty as they are, my force to prove
Is only mine:
But heaven alone confers success in war."—*Iliad*.

I do not believe the fundamental laws of our country give any power to place the Bible, or any other religious book, nor to teach in any degree nor in any way, any religion in the Public Schools, if it is objected to by citizen tax-payers in the particular district, on the plea of religious conscience, or by the Teachers or Directors. Nor do I admit, that the people of God in the United States have ever committed or surrendered in any way such a power to the State. The texts of Scripture which my friends quote, as authorizing this, are not in any single instance addressed to the State, not to Cæsar, but to the Church. It is the Church of God that is commanded by Christ to evangelize the world, but He did not tell his disciples to do this by the legions and edicts of Cæsar. This vital point seems to have been wholly overlooked by those who are so eloquent in pleading for the State to teach religion.

3. It cannot be admitted, as a fair and true statement, that the system of education which those advocate who are opposed to the plans of Drs. Cheever, Anderson and Peck, "is avowedly anti-christian." "Is avowedly anti-christian," not inferentially, not made to appear so by the arguments of its opponents, but "avowedly anti-christian." Now, I have yet to see the first avowal of this kind from Quakers, Catholics, Hebrews, or even Deists; much less from the large body of professing Christians of the various Protestant denominations, who have conscientious scruples against the use of legislative power for putting the Bible in Public Schools.

It is well known, that the different Protestant and dissenting Churches of Great Britain are dissatisfied with their "National

Schools," not because they wish to have a system of education "avowedly anti-christian," "infidel" and "Godless;" but because in these National Schools the Bible is not used at all, or if used at all, is not used enough. They wish religion to be taught, and to be taught according to their standards. Nor is it true that the Roman Catholics of this country object to the use of the Protestant Bible in the Public Schools, because they (Catholics) are "avowedly anti-christian" and "infidel." This cannot be maintained for a moment. Roman Catholics are not infidels, nor are they the enemies of what they believe to be the Word of God. And 4. I submit the candid inquiry, whether there are not two sides to the statement, "that the State has no right to make itself a party in a sectarian and infidel association, which has for its sole object the dishonoring of the Word of God."

Here it is to be observed that after all, this question then about the Bible in Public Schools is a *sectarian* one; so I have always regarded it. It cannot be anything else, as I shall show in another place. But the question that I humbly urge just here is this, if "the State has no right to make itself a party in a sectarian and infidel association, which has for its sole object the dishonoring of the Word of God," how is it that the State has any right to interfere on the subject at all? And furthermore, if it has no right to interfere *in favor* of this so-called "sectarian and infidel association," how does it come to have the right to interfere *against* it? If the State has no right to make itself a party on the one side, how can it make itself a party on the other side? I cannot see any escape, for the State is under the same and equal obligations to both parties, and both parties are equal in the eyes of the State and cannot be recognized by it as having any religion, as being infidels, Catholics or Protestants. Certainly not. If, then, the State cannot become a party on the one side, it cannot become a party on the other; it is impossible for the State to decide a religious controversy without expressing a preference, and making a discrimination between creeds and religions, which I suppose is a power not known to our organic laws. The subject is one of the utmost importance to us and our children, and I am sure there is no safety but in keeping the jurisdiction of the State altogether within and confined to civil and secular matters, and in depending upon the light of truth and the conscience, and not upon legislation, for the maintenance and the teaching of our holy religion. The first step toward giving the State the power to do a single thing in favor of a religion, is a step from the great platform of our fathers, and is a step toward an establishment and the consequent corruption and slavery of the Church of the living God. I do not doubt that many of the advocates of the measures I am opposing mean well. They are patriots and Christians, they have no personal or sinister purposes to serve; but they are mistaken in the reach of their policy. In my humble judgment, there is a want of forethought as to where this agitation is to lead us, if their system is carried out. If once

we engraft on our Constitution the policy of legislating for Protestants in contradistinction to Catholics, and for Christians in contradistinction to Israelites, or any other kind of religionists, it will lead, in my judgment, to fatal difficulties in our country.

Again, and as another reason for this publication, I have of late been repeatedly asked, both by those who hold the same views with myself, as well as by those who hold contrary opinions, to recommend some tract or book that contained a fair view of this great subject, and I have always been obliged to answer that I did not know of any such publication. All the tracts and books that I have met with on this subject are in favor of the views that I am opposing, or altogether defective in presenting fairly what I conceive to be the true issues involved in this great question.

I repeat, this publication is not of my own seeking. I have been anxious to excuse myself from it, both because all the time and strength that I can spare from parochial and pulpit duties is given to other literary pursuits, and also because I am averse to anything that might be construed into a personal controversy. But when I found myself not only proscribed for the opinions uttered and published in the foregoing extract—but that for months stereotyped and new misrepresentations of my sentiments were widely circulated, and that my motives for keeping silent were impugned; and, more than all, when ecclesiastical thunder was actually poured upon my ears, and the cause of truth and the principles and policy of the Church to which I have the honor to belong were misunderstood, and when my friends said, “that I owed it to them, if not to myself, to vindicate my principles”—then I could no longer remain silent.

In this Tractate, therefore, I have endeavored to do what has seemed to me to be my solemn duty to our holy religion, and to the branch of the Church of Christ to which I belong, and to myself as a citizen, and to my country and to my God—to the cause of Truth and of civil and religious liberty, and to posterity, to whom we, who have been called by Providence to lay the foundations of American institutions on this coast, owe the preservation and transmission of the precious birthright of perfect religious freedom and of political equality, and a well-endowed system of Public Schools, without sectarianism or religious bigotry. It has been my earnest wish, throughout these pages, that no difference of views should lead to offensive language. If, however, as all men are liable to err, I have allowed any such expressions to escape me, I beg pardon. It was not designed. And if I have fallen into inaccuracies or errors, I am ready to correct them. I do most cheerfully allow every human being to enjoy his opinions, even when I am satisfied they are unsound, and, in my judgment, unfriendly to the welfare of the community. But every man must answer for his own responsibility to God, and not to his fellow man. From the facts stated and alluded to in the foregoing pages, it is fairly to be inferred that there is a solemn league and combination virtually made between a considerable part of the Pro-

"Resolved, 1. That this General Assembly do most firmly hold and maintain, that it is the undeniable right of all men to worship the Creator according to the dictates of their own consciences.

"2. That they regard every attempt to restrain this right, not only as contrary to the spirit of the gospel, but ineffectual for the promotion of genuine piety, or the prevention of diversities in religious opinion.

3. "That the history of this country does, in their view, decidedly prove, that true religion is most promoted, and the peace and welfare of society are best secured, by allowing perfect liberty of worship to all men.

"Such are the constitutional principles of the Presbyterian Church in these United States. They were our fathers' principles, before and during the revolution, which issued in the consummation of our liberty and independence, and under the influence of which they prayed and fought, and bled, by the side of the father of our country. They have been the principles of their descendants ever since. They are our principles still, adopted from conviction, to whose support we have pledged ourselves under the most solemn sanctions, and by the preservation of which we believe that the common interests of evangelical religion and civil liberty will be most effectually sustained."

These are the acts and testimonies of "the old Presbyterian Church," taken from its Confession of Faith and Form of Government, and the minutes of a few of its early councils; and from them it is plain that we believe in the Inspired Word of God, and that it should be translated and preached to all men—and that the State has supreme authority in civil matters, and that the Church of Christ is purely a spiritual body, and is not to interfere with civil affairs. While, therefore, it is true that the Presbyterian Church is ardently devoted to her standards, and has always been "in the van" for the promotion of education, still I regret that an effort has been made "to show to those unacquainted with us" that "the type" of this church on this coast is to be found "in stout battle in defense of the Bible in schools; in defense of laws for the better observance of the Sabbath, and for the suppression of Sunday mails." It remains to be seen whether this type is really given by the authority of the "whole church." In looking over the articulated faith and action of the Presbyterian Church, it is as plain as the light of heaven that it teaches that "God is Lord alone of the conscience"—that the Church cannot admit any dictation from the State, and that the Church is wholly a spiritual body, and that its jurisdiction is purely ecclesiastical. And whatever dictatorial utterances by individuals, or Presbyteries, or Synods, may be made on the subject, in the light of Presbyterian history it will be found to be something absolutely *new* in her policy to wish to compel the use of the Bible by law in free Public Schools. To take the taxes of citizens of other denominations and of citizens who do not believe in any religion, or at least not in ours, to establish schools, and then by legislative acts cause our Bible, which is "the Religion of Protestants," according to Chillingworth and the whole Protestant world, to be used in those schools, contrary to the remonstrances of those citizen taxpayers, is just what I protest against, and declare it to be wholly antagonistic to any resolution, act, or deliverance of the Presbyterian Church, and wholly against

its institutions and spirit. Thus far in the history of the Church, there is not a syllable on the subject of the Protestant Bible by law in our National Schools, and even the deliverance of the General Assembly, though worthy of high respect, would not be a law of the Church.

As a citizen and a Presbyterian, then, I do not believe it constitutional or right to tax my fellow citizens, who are Israelites, Budhists, Mohammedans or Catholics, or who do not believe in any religion, to support a school in which my religion is to be taught—just as I should consider it oppression to be compelled to pay taxes to support a State School in which their religion was to be taught. The objection here is not to the Bible as the word of God, nor on the ground that education should be conducted wholly without religious instruction. In all pay schools, private schools, denominational schools, and even in the public schools, if all interested in the district consent, then the Bible may and ought to be used. The difficulty rests in the compelling by statute the use of the Protestant Bible against the wishes of the teachers or parents whose taxes support the school.

If it is the meaning and intention of the people and government of the United States, that this country "is and of right ought to be" by law a Protestant Evangelical Christian country, why then, I have only to say, let us make a new Declaration, and have a new Bill of Rights and a new Constitution, setting forth honestly that such is the will and policy of the American people. Let us at once tell Catholics, Israelites and "the rest of mankind," that it is a mistake for them to come to America expecting perfect religious freedom and equality; for that, though they may enjoy what religious opinions they please, and worship God as they please, yet we will tax them to help us teach Christianity after the Evangelical Protestant type in our public institutions. Let us tell them quickly, (for if this is the policy of the United States, all Europe and the rest of the world are in error on the subject,) that this being a Protestant Christian country, they will only be tolerated here in their religion, for that on account of it they must submit to pay taxes without representation or any equivalent, and that on account of their peculiar religious opinions, some of the pursuits of life cannot be open and free to them, and that probably in a few years, under the shadow of such favoring statutes toward other creeds, they and their children will be persecuted to the utmost extent at least of the penalties that hypocrisy, cant and prejudice can inflict. It is my solemn belief, if the United States is a Protestant christian nation, in the sense claimed by those who are contending for Chaplains, for the suppression of the Sunday mails, and for the compulsory use of our Protestant Bible in the Public Schools, that we owe it to truth and honesty to make a new declaration to mankind. On the contrary, however, I believe in universal, perfect, absolute religious freedom; and I do not believe that any Church or sect has the right in the United States to employ the civil or secular power, in any way or to any extent or by any means, to oppress or do

violence to the conscience of a single individual citizen of any other creed or Church, or of no religion at all. I, therefore, plead in these humble pages, as I think the Bible and the Constitution authorize me to do, for *equal protection* to the religious conscience of every human being, and that no support be given directly nor indirectly to any sect or Church by the State, and that our Public Schools be kept wholly free from all religious dogmas and sectarianism, and that the religious instruction of children *like that of adults*, be left entirely to individuals, to associated voluntary efforts, to the various Churches and their schools, and to the parents and to home influences.

III.

Preliminaries to be Settled.

"Amicus Plato, Amicus Socrates, sed magis Amica Veritas."

Those who think for themselves compose as yet but a small army. Nor should it be thought a strange thing that they are a small army when we remember how ignorance, prejudice and error have reigned over mankind, and that an indispensable prerequisite of joining this little army is courage to dare and do, to suffer and to die with the bravest of the brave. I am well aware that we are all prone to follow the *dictum* that has been told to us—that we are all more or less the victims of early prejudices—and should therefore cultivate the most enlarged charity toward each other; and it may be there are some so possessed by bigoted hate and sectarian traditions that they will scorn this humble Tractate without so much as touching it. But I am persuaded that where there is so much intellect and intelligence and liberality of sentiment—and so great a variety of political and religious opinions as characterizes the people of California, there must be and there are many—a vast majority as I firmly believe who are willing to hear both sides of a great question, and are sincerely desirous of coming to the truth. It is to such that I fain would speak in these pages. The subject is surpassed by no other in importance, unless it be by the Grace of God. All civilized nations have acknowledged the importance of the education of youth. Jews and Christians have always held the instruction of youth as a first duty. All my life by the pen and from the pulpit I have according to my measure of ability pleaded the cause of Religious Freedom, and for an open Bible, an unfettered press, and the paramount claims of education. I am not willing to yield to any one a higher estimation of the value of revealed Religion, or of the excellence of our Protestant translation, or of the importance of education and of the virtue and

intelligence of the people to the preservation of our great distinctive Institutions. But I do not consider flippant newspaper paragraphs charged with prejudice or sectarian hate fit or becoming a subject so vital and of so tremendous a magnitude and reach. For nearly or quite half a century it has been agitated with extraordinary intellect and earnestness. It has attracted the attention of the governments of France, Prussia, Holland, Belgium and Austria, while in this country and throughout the British Islands and Colonies, especially in Scotland and Ireland, it has been regarded as one of the deepest and most absorbing interest. And in but few, if in any of these countries has a great system of national education been finally adjusted, or settled on such a basis, as to render it permanent and successful. In fact, if I may form an opinion from the leading Reviews of Great Britain, I should say the public mind there is now more unsettled than ever—not as to the importance of the subject—nor as to the disposition of the Government and of the people to give it due attention—but as to the details of a system, or of systems that will work the best for an empire so vast and of so many peoples and so many religions. And if where Christianity is by law established, and that in several different forms, as Episcopacy, Papacy and Presbytery, and where even some support is given by the Government or was given to Paganism until very recently—if I say under a Government of so much wealth, power, energy, enlightenment and Christianity as that of England, this subject is still beset with great difficulties, why should it be thought a strange thing, that some experiments with them, and some of a like nature with ourselves should have worked badly? If all the inhabitants of a State professed the same religion, the subject would be divested at once of many—if not of all its difficulties. And it is just in the fact that in our earlier history there was a greater unanimity of religious sentiments among us, that we find the reason why, there was but little if any difficulty experienced on this subject fifty years ago or on the first settlement of the country. It is obvious then that in the proportion that our population is scattered—and of different national prejudices and religious creeds—just in the same proportion is the difficulty increased of devising a system that shall be the most effective and at the same time be according to the genius of our institutions and in conformity with the great principles of an enlightened Christianity. This system I believe to be: Public Instruction free—absolutely free from everything that distinguishes one sect or denomination, or one religion from another—leaving every human being perfectly free to exercise his own mind and conscience in regard to religion in whatever way he may choose—and *leaving the religion of the country in every respect to depend wholly and solely upon the protection guaranteed by the Government and upon the voluntary support of the people.* If the word of Jehovah cannot stand by itself before the dagon of infidelity and superstition, then I shall begin to fear for its ultimate triumph; and if Christianity with an open, fair field cannot make its way without political patronage,

then I must say I altogether misapprehend its nature, and have failed to learn anything from the history of its early struggles and triumphs. These points will claim our attention in another place.

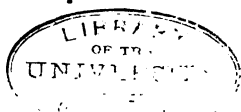
It is an old Latin proverb that great men are not always wise. It is certainly true that some men of liberal education and amiable disposition are not always logically consistent. They are not willing or able to carry out their own principles to their last consequences, or to abide by them on all questions. Some learned men accept, in general *thesis*, principles which they deny the moment these principles receive a particular application; and so, also, there are others who fall into error in just the contrary way; that is, they make a particular application of a principle which they deny as a general thesis. And just here it seems to me, and I say it in perfect candor and kindness, is mainly the fallacy of my friends whose opinions on the subject of this Tractate I am opposing. According to the best judgment I can form, in arguing for the compulsory use of the English Bible in the Public Schools, they seem to me, either to have fallen into wrong logical positions, or to be outright advocates of a union of Church and State, which I do not think they desire, and if they do, I am quite sure they will never succeed, for they will quarrel among themselves as to which church is to be united to the State, nor need they be so alarmed about my becoming "Pope," for I have too many competitors. I mean, that, in contending for freedom of conscience, *in thesis*, they apply their principles practically to the coercing of the conscience of their fellow citizens; and so, on the other hand, they contend for laws to compel their fellow citizen taxpayers, entitled to as much freedom of conscience as they are themselves, to the use of their Bible, and yet their profession is, *perfect freedom of conscience*. The case looks to me like that of the lawyer and the gored ox in the old speller. Their rule works only one way.

I know that the martyrs for conscience's sake—"the pioneers of the soul's freedom"—have generally been misrepresented and suspected by their contemporaries, and have been often proscribed as the enemies of religion and of the State, even for the very efforts that showed they were most studiously cherishing their dearest interests. Their opinions have been distorted and disjointed, and perverted and carried out to absurd and unauthorized conclusions. They were charged with holding as essential, doctrines that they expressly denied; but still weak opponents reiterated the charges, because they were unable to meet them in honest argument. It is a general failing, in all controversies, to ascribe to those holding opposite views results which they deny. I do not wish it to be understood, therefore, that I believe the advocates of the measures I oppose are prepared to avow the results which must inevitably flow from them; but, to my mind, they do inevitably lead to them.

Every thinking man will say at once that a subject like this cannot be disposed of by exhortations and emotions, however eloquently expressed. It must be settled on principle. And to settle it on

principle, the discussion should be a fair one, and the issues fairly stated and fully met. I do not profess to be able to do all this, but I am trying to do my humble part; and the better to do this, some preliminaries ought to be settled. For example, we ask and we insist upon it, that, before we take the taxes of our fellow citizens to support schools that are to use a book or books that, in their consciences, they do not wish their children to read or hear read, we should know definitely what we have to submit to. Agree among yourselves, gentlemen, whether it is King James' translation that is to be used, or some other—whether it is to be the complete translation, or extracts from it, and whether the reading is to be with or without comments, with or without prayers and psalms or hymns; and whether the Bible is to be used by the teachers only, or by the teachers and pupils—whether it is to be a mere ritual for the opening of the school, or to be used, as the Rev. Dr. Peck argues, as a text-book for the acquirement of secular knowledge or not. It seems to me we have a right to know exactly what is to be done on all these points, before any money is used to violate the consciences of any of our fellow citizens. I cannot see that this, as a preliminary, is not to the point, for the real grievance against which I am protesting is, that citizens are made to pay taxes on school account, and that in these schools a religion is to be taught which these citizen tax-payers either do not believe at all, or do not believe to be correctly taught, and which, at all events, they do not wish to be *thus* taught to their children. I understand it to be, when all disguises are removed, *taxation without representation*, and for the purpose of oppressing the conscience of a minority in matters of religion, by teaching a religion that is contrary to their conscience. And was it for this Americans declared their independence of the mother country? Explain it as you may, it amounts to this. On the contrary, *I hold that no man is to be taxed for the support of the religious services of another, whether they are performed in a school-room, meeting-house or cathedral.* How, in the face of the great American doctrine of perfect religious freedom, can a Board of School Directors require a Bible to be read in a school, supported by my taxes, to the extent of my taxable property, to my children, when I tell them that I do not believe, in my conscience, that that Bible is the Word of God, and that I do not wish my children to hear it? Under our laws, how is it possible to take the taxes of C to pay a teacher of religion to his children, which religion he (C) does not believe in, or, if he does, he does not wish it to be taught in that way, or by such a teacher, to his children? What is the difference between doing this, and taxing me to support a pastor and a church service that I do not believe, for the benefit of my neighbor?

We are here laying foundations to-day not only for half a million, but for many millions of inhabitants. We are to legislate for many generations, at least as far as precedent and example can go. It is not then for one sect, or a majority of sects, but for a hundred generations, and for all coming time that we are called upon to act. Let



us know distinctly what we are going to do—if we are to have new laws or new interpretations of old laws on this subject. It will be borne in mind that those whose opinions I am opposing are calling all the time for more laws on this subject, urging the Legislature and the School Commissioners to require the use of the Bible, without regard to the conscience either of the School teachers or of the parents.

That a knowledge of the contents of the Holy Scriptures is vital to salvation is not to the point—does not prove that it is “the imperative duty of every Christian and of every lover of his country” to place the Bible by stress of law in the Public Schools; *first*, because Christ has not commissioned his people to do this thing in this way. He has never authorized them to employ the secular arm to oppress their fellow man’s conscience, even for the sake of saving his soul. He did say, “Suffer little children to come to me,” but He did not say send them to Cæsar that he may teach them how to be saved. *Secondly*, if it be the imperative duty of Christians and patriots to place the Bible by law in our Public Schools, because a knowledge of it is vital to salvation, then it is equally their imperative duty to have Christ crucified preached in the Public Schools, because “there is no other name under heaven given among men whereby they can be saved, except the name of Christ.” There is no possible escape from this application of the argument, if the premises are true. The force of it is thus: It is the imperative duty of Christians and patriots to place the Bible in our Public Schools, *because* it is vital to salvation. But even the advocates of this imperative duty do not believe that a mere letter knowledge of the Bible is sufficient to save the soul. By no means. They expect salvation through Christ only. The Bible in the public schools is, therefore, only a part of their duty; and according to this argument, if it is really their imperative duty to have the Bible read in the Public Schools, it is their imperative duty to go further and turn the school-houses into chapels, or meeting-houses. There is no stopping place short of the use of the whole means ordained of God for the salvation of the soul.

There ought to be no half-way house in the curriculum of the school-room, if this argument is correct. But this leads to an established religion by law, and so far as the support of such a school is from the State, so far the State supports the religion thus taught, and in that favors and shows preference for one religion over all others. Now, fellow citizens, are you prepared for this? I trust not. That I am not mistaken in the reach of this “imperative duty,” the Rev. Dr. Anderson, (p. 4) in speaking of this imperative duty, says: “Hence, the base-line which you establish for them, the children of the Public Schools, must be one from which they can work outward, onward and upward into a happy eternity. It must embrace the entire teachings concerning the being and attributes of God; concerning moral law; human relations and obligations; the fall; *regeneration and atonement!!* And the Rev. Dr. Peck says, certain

great facts must be recognized in the Public Schools, as "the moral constitution of the children, their accountability to God, the eternity of their existence, *their depravity*, their *need of regeneration*, their dependance on the world's Redeemer." Now, how can the State recognize such "facts" if as to its fundamental laws it has no religion? And how can such "facts" be recognized in Public Schools that are provided for all sorts of religionists by "an equitable distribution of the burden." And yet in these Public Schools no distinctive religion is to be taught! I cannot comprehend how such "facts" are to be recognized without religion.

And again, Dr. Peck will have the Bible used as a text-book daily throughout the whole course of education. And yet these reverend Doctors, with the New York Doctor leading the way, think all this can be done without any sectarianism, and without any just cause of prejudice or of complaint from the consciences of those who do not believe such doctrines. "*It must embrace the entire teachings concerning the being and attributes of God; concerning moral law; human relations and obligations; the fall; regeneration and atonement.*" Why, it is as much as our ablest theological professors can possibly do to give the students in our seminaries—the schools of the prophets—such "entire teachings."

If these views are correct, we must turn our Public Schools into theological seminaries, and in appointing teachers we must select men eminent for their attainments as divines. Is this justice to the Israelites? And are the Unitarians prepared to have these dogmas taught in schools supported by their taxes? Nor is it without significance that this urging of this "imperative duty," is but a part of the scheme. It comes from the same writers and speakers whose wailings are so plaintively lifted up, because there is no chaplain in our Legislative halls, and no Sabbath laws of a stringent type in force. I say nothing of the ultraisms of Dr. Cheever. But their whole system is legislation—legislation, and still legislation to make men moral and religious. And this I am fully persuaded is a radical error. I think with *Jerrold*, that gunpowder is not the best frankincense, nor the gleaming of bayonets the brightest light of the Gospel. I do not believe we can make men or children love God by compelling them to read or hear the Bible. It is truth and love, and not constraint of statutes that makes men moral and pious.

And I must add here, that with all possible personal respect, I am wholly unable to comprehend the consistency of saying, in one breath, we do not want any sectarianism in the schools, and with the next that we must recognize such "facts," as come within the "entire teachings of the Bible and of the being and attributes of God," "the necessity of regeneration," "the atonement"—everything that is necessary to carry the children "upward into a happy eternity." This is all that the Church with its ordinances, sacraments and doctrines can do.

And then again, my friends seem to misapprehend both the laws

and the facts as they now exist in regard to the Public Schools. Their own statements are at variance on the subject. But in one point, they are altogether in error. The Legislature has not "robbed the children of their Bible," nor is there any illiberality or oppression that I can find in "the school law" of the state, or of the Rules and Manual of the school directors. The 33d section of the school law of the statutes of 1855 declares: "No books, tracts or papers of a sectarian or denominational character shall be used or introduced in any school established under the provisions of this act; nor shall sectarian or denominational doctrines be taught therein." Now if it be true, as they contend that our Protestant Bible is not a *sectarian* book, then there is no prohibition of it by the law. But if as I consider it, our Bible is a sectarian book, then we ought not to wish to compel its use in the schools, unless we wish to make them religious sectarian institutions. Some years ago, I understand a law was passed for the schools in this city, requiring them to be opened with prayer and reading the Bible; but practically it was left to the feelings of the teachers, whether it should be carried out or not. This law is not repealed, but I believe it is not generally practiced. But few of the teachers desire to perform such a duty. As far as I can understand it, no more laws are needed on the subject. The teachers, the directors and the courts are competent, and I think altogether the most competent persons to decide how to apply the laws so as to promote social peace and the prosperity of the schools. I have not therefore been able to see the propriety or necessity of the agitation that has been so laboriously carried on.

IV.

The Simple Question Stated.

ANY thoughtful man who looks over the newspaper articles and pamphlets recently called forth on this subject, especially in New York, will conclude that there is not only a want of some well-digested plan by which to harmonize the advocates of public schools, but that on many of the points and bearings of the great subject, there is almost a total want of clearness of ideas. Some confusion of ideas is always to be expected in new discussions, or in young and inexperienced advocates of old subjects. And, besides, our ideas of Church and State, and of the distinction between the spheres of the legislature and of the Church, are very much embarrassed by traditions from our fatherlands. It were then very much to be desired, that all who are truly the advocates of Christianity and of a liberal education, could understand the whole question. And as I am not writing about abstractions, nor for literary pleasure, but about matters that are

upon us, and in which we and our children have great present and future interests, let us understand here some points that may show us what the real question is :

1. There are some who profess to be indifferent to all religions, and who do not desire their children to be taught, especially when very young, any religious creed. They wish their children to grow up, as to the dogmas of religion, perfectly neutral, or that their minds may be blanks—white sheets—to receive whatever creed, or opinions, or prejudices, they may “elect to choose” after they have arrived at mature years. This class is probably few in number. But they are citizens and taxpayers, and as fully guaranteed, as I hope to show, in their rights and privileges by our Constitution and laws, as the most pious Methodist, orthodox Presbyterian, or Episcopalian, in the land. I believe this method of education unnatural, unphilosophical, and impossible, and sincerely regret that any one entertains views so erroneous, and hesitate not to say, that if it were practicable to carry out such a system of education, it would utterly degrade and ruin the country. The religion of the Bible is the only sure foundation of rational freedom and virtue. While, therefore, I am, from deep and growing conviction and long investigation, attached sincerely and conscientiously to the faith which I profess, still it is not for me to judge any man for professing another, or for rejecting all religion. I may believe—most firmly believe—he is in error, and deeply deplore his error, and may endeavor by argument, reason, and love, to persuade him to renounce his errors; but the responsibility of holding them is his, not mine. It is not for me to make a Procrustean bed and compel my neighbor to lie in it, and if he is too short for it stretch him out, or if he is too long, chop off his legs. But still let it be distinctly stated and remembered here, that we do not wish the education of any child to be conducted without religion. We desire every child in the land to read the Bible and have a knowledge of Christianity. This is not then a point at issue in these pages.

2. Another class have so much reverence for the Divine Word that they do not wish it to be made a text book in Public Schools, believing that the *thumbing* of the Sacred Volume, and the reading of it as a *daily task*, or even the compulsory attendance upon the reading of it, diminishes the reverence of children for it, and lifts its awful authority in a great measure from their minds. It is not my purpose here to examine into the merits of this objection to the use of the Bible in ordinary schools. I respect these feelings, but it is not my purpose to dwell on this point. This is not the ground here occupied.

3. Others are opposed to the use of the Bible in all ordinary day schools, private or public, on the ground that it is not a book fit to be read by the young. They are willing, perhaps, to have extracts from it, or an expurgated edition introduced into the course of school reading; but not the Old and New Testaments of our Lord and

Saviour. With this objection I have no sympathy. The points at issue on this subject, so far as I am concerned, do not relate to the Inspiration of the Scriptures, nor to the character of the Word of God, nor as to the comparative merits of its different translations. There is no objection in my mind to the use of the Word of God in the Public Schools, if it can be done by common consent, and without doing injustice or violence to the conscience of the teacher, parent, or guardian. The simple question is this: *Ought the Legislature to tax a Catholic to have the Protestant Bible read to or taught to his child; or ought the Legislature to tax a Protestant to have his child taught the Catholic's Bible? And must a teacher of the Public Schools read the Bible, or for his conscientious objections to it be dismissed from the school?* This is the question as I understand it.

By the Bible in this discussion, and I suppose in this whole controversy throughout our country, those who wish to compel its use in the Public Schools mean the Protestant Bible of King James, and by Public Schools are meant such as are supported by taxes on property and free to all. Common pay schools, individual and denominational schools, are not properly subjects of remark in this discussion further than by way of illustration. All my life I have been trying to teach my fellow men to understand the Word of God, and to persuade them to be religious, but not in such a way as to offer any violence to their own free will, nor to the rights of their consciences, nor to oppress them in their rights of property and pursuits of life on account of any difference of religion.

It is plain then that remarks on the sublime literature of the Word of God, "its morality and piety," and high and holy principles, the preciousness of Revelation, and of the Christian's hopes, and of the value of religious instruction in youth, do not properly belong to the points in hand. We rejoice in all that Washington and the framers of our Constitution have said in favor of religion, education and morality. And we rejoice that they did not make a single organic law connecting the Church of God with the State, or fetter the different religious sects by statutory provisions. Eloquent extracts from Mr. Webster and John Foster on the importance of morality and religion, and on the importance of virtue to the well being of a State, are evidences of good taste, and we are always glad to see such noble sentiments before the public mind; but they are altogether foreign from the points at issue. The question is: Shall the English Protestant Bible be used by compulsion in our Public Schools? Shall it be read by law in the Public Schools that are supported by taxes levied upon all citizens according to the property they possess, and without any regard to their religious faith, or want of all religion? This is the question, and nothing else.

For a popular government like ours, to levy taxes by popular vote, and establish free Public Schools by the same sovereign act—an act of the same power that has established perfect freedom and equality of civil and religious rights, and then require that all the children

educated in these schools, without respect to the religions or wishes of their parents, should all be taught and compelled to learn one religion, the Protestant—this is a monstrous inconsistency absolutely unknown, as far as I know, in any other country. In the education of children, the rights of conscience, as to religion, are not violated in the monarchies of the old world—not even in those governments which Americans are wont to think oppressive and tyrannical. In France the schools are divided into Israelite, Protestant and Catholic, but there is no compulsion. A Catholic child is not compelled to read, or hear read, a Protestant book, nor a Protestant child to study the Catholic ritual. And the lectures of the Institute of France, and other national schools in Paris, are absolutely free to all nations without fee or religious test. In Great Britain it may be said, as a general rule, that the funds are divided among the churches and sects. There are, however, what are called national schools, particularly in Ireland, in which, if any parent objects, the Bible is not read, and no book, objected to on religious grounds, is allowed on any account to be brought into the school-room. The school-houses are never to be used for any other purpose than that of teaching, and the teachers are not allowed to attend political meetings, nor even fairs. Lord Derby and Archbishop Whately are at the head of these national schools. Besides, there are schools known as the Catholic, Protestant and Church of England schools, which are, in part, supported by the government. On the continent generally, the fund for education is so divided that Israelites, Lutherans, Calvinists and Catholics educate their own children in their own schools, or after their own creed, with the assistance of the government, and without oppression one from another. No government has a better system of public education than that of Prussia. The Bible is the basis of religious instruction in all the Prussian schools. “But the Protestant children are taught from the Protestant translation, and the Catholic children from the Catholic translation, and the Jewish children from the Old Testament.”* The government is very careful, however, where the religious instruction is committed to parents or to teachers of their own creed to see that it is faithfully attended to. The Superintendent of public instruction is always a Protestant; but in selecting subordinate administrators, the most scrupulous regard is paid to the religious views of the people of the district. If a majority of the parish are Catholics, then the majority of the school committee must be Catholics, and, of course, the minority Protestants, and just the reverse where the majority is Protestant. The population of the kingdom of Prussia is about 17,000,000, and may be divided as follows: 500,000 Jews; 7,000,000 Catholics; 9,000,000 Lutherans and Calvinists, and the rest Baptists. The government of their schools is paternal and religious; and yet the discipline is equal to that of military institutes. I suppose Prussians now the best educated people in the world. School duties among them rest, in all respects, on the same ground as military duty. Nor do I see that

* Dr. Stowe on Prussian Education.

we can do better than place the government of our schools and State University under military discipline.

In the schools of our fathers our catechisms were taught, and religion as such was a part of the regular course of study, and where there is unity of sentiment, this may be done still. There is, however, as I design to show in another chapter, a great difference between the schools of our fathers even fifty years ago and the Public Schools of our day. In former times, it was left chiefly to the parents or to the Church to educate the young. Now the State kindly and properly undertakes to help; and because of this help from the State, a new question has grown up, namely, how far parents and Churches may avail themselves of Cæsar's purse in educating their children, and yet not let Cæsar be their religious teacher. This question is now agitating all civilized nations.

For the sake of a distinct and clear understanding of this subject, I would consider Schools and Colleges as of *three* kinds: State institutions, denominational institutions and sectarian institutions. Institutions of learning that are established by the State and supported by the State treasury, or by the taxes on the property of citizens, are for the purpose of giving our children a secular education; that is, imparting to them a knowledge of all branches of human learning that may make them intelligent and useful members of society. Such institutions are confined to secular education, and I do not see how they can undertake, according to our laws, to teach religion at all, or to force the use of any book because it is a religious book. Surely we do not wish the State to teach us religion.

By *denominational* Schools and Colleges, I understand institutions founded by voluntary contributions, and managed by ecclesiastical authorities, or by trustees for ecclesiastical bodies, a majority of whom at least shall always belong to the denomination establishing and conducting the institution. If trustees of other denominations are elected, it is a mere compliment and in no wise a departure from the rule or principle that the institution is under the control of the denomination or sect, or Church, that has established it and properly so. The advantage of a denominational school or college consists in this, that there is unity and energy in its management, and harmony in its religious tendencies, so far as it may be deemed expedient to make religion prominent, or a part of its course. And the character and reputation of the denomination, sect or Church to which it belongs, is a guarantee to the public that it shall be well conducted, and that its *curriculum of studies* shall be in good faith.

Now a denominational college may not be a sectarian institution. It must be, it is true, to some extent a reflector of the theology of its denomination, but need not be a sectarian institution. I suppose a denominational institution might be so managed as not to distinguish materially or essentially between many of the churches. And generally there is such a liberality I think in such institutions, that no offense is given in the instruction imparted to any of the classes. This

course is pursued, and can be pursued honestly and consistently as I think. Such an institution, however, cannot teach or allow to be taught any doctrine contrary to the faith and symbols of its denomination, but it may not teach them fully or distinctly at all. For example, I suppose I offend no one when I say that the school of an Episcopalian clergyman on Bush Street, is a denominational institution. The prayers and the lessons and the forms of religion used there, and the articles of religion, as far as they are taught at all, are such as are received by the Episcopalian Church; and the tendency of all its influence in this way, and to this extent, is to make all its pupils Episcopalians. I do not mention this as a reproach. On the contrary, it is honest and right. And the public so understand it, and parents know what they are to expect. And this is one of the advantages of a denominational school, that while you have the character of the denomination controlling it as a guarantee for its good management, you also have its orthodoxy and piety as a guarantee that your child in such a school will not be poisoned with infidelity. I suppose the same illustration to hold good of the Jesuit and Methodist schools at Santa Clara.

Then there are seminaries to educate priests and ministers that are strictly sectarian. They are professional schools.

I think the best way in this country, where we have every shade of opinion, religious and political, and are made up of every nationality, is to have all three kinds of schools—State institutions, denominational and sectarian schools. Let the basis of our State schools be as broad as our Constitution, and as free as our laws from all religious distinctions. Let our Public Schools, like our Constitution and laws, be so wholly disconnected from the Church, that no man's religious opinions or conscience will be offended by them. Let such institutions be confined to secular education, which alone comes within the jurisdiction of the State. Under this head, I would place our Public Schools, State University, Military and Naval Institutes, and Farmer's Colleges and the like. And then, let there be a generous rivalry between the different denominations in building up, by united voluntary efforts, institutions under their own control, and for which they shall be held responsible. These they may make more or less religious, as they may deem best. And then, of course, each sect or Church will have its own normal schools, or sectarian seminaries. The religious instruction to be given to the pupils of State Schools must be provided for as in Prussia, or as in the University of Virginia. On this branch of the subject and on denominational schools, I do not design to dwell, at present, nor in this Tractate.

Again, and thus early in this discussion, it may be well to say, that it is of no consequence as to the merits of this great question by whom or where the controversy started. It has nothing to do with it to admit or deny that it was begun by this or that part of the professing Christian population. But I do consider that it is important, to do justice to this question, that we rid ourselves of prejudices

against foreigners, and especially against Roman Catholics. Even in the days of the great Luther, it was altogether too much a fight between Rome and Wittenberg, between Henry the Eighth and the Pope as a sovereign; and soon all Europe became and still is essentially divided into antagonistic States, as Reformers and Papists. And, if I am not greatly mistaken, there is still so much of this old leaven of bitterness between Protestants and Catholics, that this subject has not been calmly considered in the broad light of truth, nor with a clear, far-seeing view of its bearings on all points of our horizon. I fear the "No Popery cry" and "the Jesuits" has prevented good men from seeing the real merits and issues of this question. With a large portion of Protestants, the object always in view is *Roma delenda est*, and with just as much bitterness and much more tact and system, the Jesuits reply, Down with all heresy and schism! Now I would allay, as far as possible, all such religious feuds among citizens. I would not open the door for contention among citizens of different creeds, nor allow any revival of the strifes of former days, when our ancestors, led by priests and ministers, contended even to blood. But my friends say, "You concede all the Romanists ask. You are fighting their battles for them. You are aiding the Jesuits. You have turned against the Protestants." Now to this I answer, I know no citizen according to his religious creed. I know him only as he is known to our Constitution and laws. And I am perfectly sure, if all American citizens will only abide strictly by our fundamental laws, that neither Jesuits nor any other power will ever be able to do us harm. But the only safety is for us to keep close to the Constitution, and refuse to allow any constructions to be put upon it, or any legislating under it, for any cause, or on any plea that favors any form or book of religion, because it is religious, or is so considered. The moment we do this, we put into the hands of the Legislature a two-edged sword, that may cut as deeply against us as it does into our opponents, and the direction in which it is to be driven will depend on mere accidental or temporary majorities. It is against this, my fellow citizens, I warn you. I would rely upon the fundamental and original laws of our land, just as they are.

And I answer again, that, while I do not profess to wield the shield of Ajax, so that I may defend all who sympathize with my views on this subject, still I insist that it is a narrow and unfair representation of the subject, to say that it is a mere controversy by which alone the Jesuits are to be benefitted, and that it is for the advancement of Roman Catholics. If I understand the merits and the bearings of this subject at all, it is one that deeply concerns every American citizen, without any reference to his political opinions or to his religious creed. Every friend of religious freedom has a deep interest in this subject. The question is, Shall religion be kept entirely free from the dictation of the civil authorities, or shall the funds of the State, contributed in common, be used for the support of public in-

stitutions, in which, by law, the Protestant translation shall be used? And, in the wise solution of such a question in this country, Protestants have *more* at stake than Catholics. And hence it is just here, just at the very beginning, that I would have this great question thoroughly understood and fairly settled. I would fight the allies *landing*, and as they come from their ships, and not wait to make murderous sorties upon them after they are entrenched in their deadly rifle-pits. I do not consider it as a mere controversy between Protestants and Roman Catholics. If I did, I should not, at present, have anything to do with it. Nor do I mean, in this Tractate, to enter at all upon controversies between different churches. I do not think that such matters belong to this subject, if we look at it, as I wish to do, in the light of God's Word and of our fundamental laws. Besides, as far as I understand the views of the Roman Catholics, my principles, in regard to State education, are altogether unsatisfactory to them. Their theory is, that education, the whole work of education, belongs to the Church, and must be essentially connected with religion, from beginning to end. They claim a divine right to control the education of their baptized children, and do not allow the State to have anything to do with it, except to furnish means. How far this theory can be benefitted by the adopting of my views, I leave the candid reader to say.

I would respectfully answer again: Suppose it is true, that my principles are "favorable to the Catholics," and that I "concede to the Romanist just what he asks," has that anything to do with the merits of this question? I do not suppose that Protestants or Catholics are to be regarded as the standard of truth in this discussion. The proper question to ask is not whom do these principles favor, nor is it conceding what any one asks to advocate them. No; the true question to ask is, *what is truth?* And then we should wait calmly for the answer, and not go out to the mob to hear what their prejudices wish. The true question is: are my principles true—are they right before God, and in the light of the Constitution and laws? If they are, and are favorable to the Roman Catholics, then it is because they are right. And if they concede what the Jesuits are asking, then it is because they have reason and justice on their side; and not because they are Catholics or Jesuits. For myself, I am not afraid to follow truth. The prayer of my life is, and has been, to see the true light, and to have grace and courage to follow it whithersoever it leads. And here, also, I protest against the charges so often and so repeatedly brought against Roman Catholics in this controversy, that they are anti-christian, avowedly infidel, and enemies to God's Holy Word, and that their sole object is to dishonor it. All such extravagant denunciations and ugly epithets as disfigure the speeches and writers who have taken a prominent part in this controversy, in New York and elsewhere, are wholly foreign to the dignity and magnitude of the subject, as well as injurious to the views they advocate. Whether Catholics have bound the nations of Europe in

"the chains of civil and spiritual despotism;" whether they have "burnt Protestant Bibles," and "persecuted heretics to death" is not the question. Neither is it *ad rem* to consider whether Protestants have persecuted one another, burned witches, and banished Baptists and Quakers in other lands or in other days. Nor is it here the question to decide who are the friends of liberty, or who are the despisers of the Word of God. But Roman Catholics cannot be fairly charged with being enemies to the Word of God as such. They are opposed to our translation. They are opposed to many of our opinions and usages; but it is not true that they are infidels or enemies of Christ. Nor do I see that we have any right to assume here that their translation is not as faithful to the original as ours. I am not now saying that such is the fact; but I am saying that our Government has never in any way decided which is the true translation, nor which is the true religion. To say then that our Bible is the Word of God, and must therefore be put into our public institutions by the civil authorities, is to beg the whole question involved.

And I humbly beg that my friends will consider whether this whole popular style of abusing the Catholics and those who are not able to adopt their particular views about the Bible in Public Schools, is not altogether a mistake? Is it not in itself wrong, and does it not produce evil results? It seems to me unfair, untrue, and cruel, to call them enemies of the Public Schools, and of civil liberty and of the Bible, because they do not think it right to force the English translation into the schools. The popular classification and stereotyped harangues on this subject are not true. Some of the profoundest thinkers, and of the best scholars and artists, have been Roman Catholics. The enlightenment of the nineteenth century has not inured wholly to the advancement of our Protestant faith. And, besides, not a few of the ablest legal men and scholars of our day, who are the staunchest Protestants, do not believe it constitutional or scriptural to compel the use of the Bible in the Public Schools. Are they "avowedly anti-christian?" Is their sole object "the dishonoring of the Word of God?" I may be wrong, but I think I am not. I am at least so confident in the beauty and strength of truth that I do not think it can be advanced by doing injustice to an opponent. I would not paint His Satanic Majesty blacker than he is, nor add anything to the ugliness of his horns and claws. Let full justice be done to all. I am not here then discussing the comparative merits of religions nor of translations. I am only trying to state the point at issue fairly. And I ask any thoughtful man if it is just to say that the Catholics are enemies of God's Holy Word, and to denounce those as Infidels and Atheists who sympathize with them in their objections to the compulsory use of the Protestant Version by law in our Public Schools? Let it be remembered, in answering this question, that it is not because they do not believe the Holy Scriptures to be the inspired Word of God, that Catholics object to the Protestant translation being used in the schools; but because they say, and

their Church tells them to believe, that our translation is not a complete copy of the Word of God—that it has been altered and changed—and does not give the whole Divine Word as given by the Inspiration of the Holy Ghost. It is not then to the Word of God as such, but to a particular version of it that they object—they object also to the teaching of the Word of God except by direction of the Church. Now if Protestants may call Catholics enemies of the Word of God, and class them with Infidels and Atheists, because they do not believe in our translation, then why may not Roman Catholics return the compliment and call us heretics and enemies of Christ because we do not believe in theirs? And if the voice of antiquity or of the majority, which is a favorite and convenient argument with the champions of this controversy, is appealed to, where will the verdict lie? Let us then have no more hard names, nor denunciation of those who are not able to see as we see, as enemies of morality and religion, and of God's Holy Word, when in the sight of Him who knoweth the heart, they may be guileless as Nathaniel, and panting after the fervency of David and Paul. If men's hearts were in crystal shrines we should find there are many more good people and great men in the world than we suppose. Bad as the world is, there are a great many more pious people in it than is generally believed—there are very many we would dearly love if we only knew them. I should be extremely grieved to think that my Church had the only patent road to heaven. I am very sure, if by the Grace of God, I ever get there, I shall meet many there from other churches, and fear I shall miss some from my own—for their want of love to God and man.

V

Religious Liberty in the light of the Constitution and Laws of the United States.

“Magistracy is God's blessed ordinance in its right place; but let us not be wiser than God to devise him a means for the publishing of his Gospel, which he that had all power had not, nor hath commanded. Magistracy is a power of this world: the kingdom, power, subjects and means of publishing the Gospel are not of this world. His Kingdom is spiritual, his laws spiritual, the transgression spiritual, the punishment spiritual, the everlasting death of the soul, his sword spiritual. NO CARNAL OR WORLDLY WEAPON IS GIVEN FOR THE SUPPORTATION OF HIS KINGDOM. Earthly authority belongeth to earthly Kings; but spiritual authority belongeth to that one spiritual KING who is KING OF KINGS.” The power and authority of the civil magistrate are from God; “let him require what he will, I must of conscience obey him, with my body, goods, and all that I have. *But my soul, wherewith I am to worship God, that belongeth*

to ANOTHER KING, whose Kingdom is not of this world; whose people must come willingly; whose weapons are not carnal, but spiritual." These noble extracts are more precious than all the nuggets of our mountains. They are taken from the answer made by the BAPTISTS, to the animadversions made upon their faith by Mr. John Robinson, the Puritan. This quotation, as above, is from "Hanserd Knolly's society's edition of Early English and other Baptist writers" as quoted in Underhill's "struggles and triumphs of Religious Liberty."

We are Christian peoples, and yet the United States has no religion. The great principle of American Institutions is not religious toleration but absolute religious liberty. As we have no religious establishment, the word toleration does not belong to our dictionary. We have no power to grant toleration. Toleration is not liberty. But we have full and perfect religious freedom. This is the great principle of American liberty. The incompetency of the State in matters of religion, and the perfect freedom and independence of the Church, are the fundamental principles of our fathers, which were incorporated into the institutions of our country.

First. Though happily for us the practice of allowing full religious liberty has been more fully carried out in this country than in any other, still there is, it seems to me, a great want of definite ideas on the subject amongst us, and but little clearness or grasp of mind displayed by those who have written upon it. The true relations of the church of Christ to the State and to the supremacy of the laws of the land, are not well understood. The whole subject of Church and State, and of the relations of Christianity to the laws of the land, will have to be reconsidered, and expounded anew, and from the standpoint of the Gospel as it is in the nineteenth century. The union of the Church and State, as it exists in Europe, still casts its huge deformed shadow over us. We are not yet completely emancipated from its thralldom. In Egypt, and in all ancient pagan nations, religion and politics were one. Consequently, there were as many religions, as there were gods and goddesses, and politics accordingly. And each nation supposed its gods to go with them to war, or to sit with them in council. A victory, therefore, was not merely a victory over their mortal enemies, but over the gods of their adversary, also. Homer, and the Bible, and all ancient legends furnish us with numerous illustrations of this. It was by making one and the same idol the god of two great rival cities, that MENCHERES forged a bond of internal union, and prevented the threatened speedy dissolution of the Egyptian monarchy. (See Osburn, vol. 1, 347.) In fact we have borrowed so much from the ancient Roman world, and are so closely allied to Europe where the Church and the State are still united, that it seems almost impossible for us to emancipate ourselves into the full light of the glorious liberty actually secured to us by our government and by the Gospel. Among the patriarchs the father was the chief and high priest of his household and tribe. Aaron was spokesman

for Moses. And during the theocracy of the Jews their judges and prophets were identical. And after the commonwealth became a monarchy, the king was overawed by the priest. And among the Pagans the civil power and the spiritual power were united in the same person. Cæsar was both *Imperator* and *Maximus Pontifex*. That is, he was the head of the State and the head of the religious establishment—both supreme civil ruler and supreme Pontiff, as the Pope is still in the States of the Church, and as the Sovereign of Great Britain is in the British Empire. Cæsar has always struggled to hold supreme power over the souls of men as well as over their bodies and estates. It has taken scores of martyrs and centuries of toil and suffering to establish the great truth that the conscience is, and of right must be, free and accountable to God alone. It was to get rid of this tyranny of the State over the conscience, that a majority of our ancestors came to America. They left their country, and their kindred, and “the green graves of their sires,” as Abraham did, and fled to this then wilderness continent, “for freedom to worship God.” And in organizing the Federal government after the war of Independence, the principle of perfect religious freedom was fully recognized. The same recognition is made, I believe, in all the State Governments, except that of New Hampshire. The Government of New Hampshire is, or was until very recently, officially Protestant. Roman Catholics were only tolerated. Perhaps similar disabilities lie on Israelites in North Carolina.

Secondly. It were a mistake, however, to suppose as most Europeans have done, that because the government of the United States recognizes religious liberty, that therefore it is hostile to religion, and is really atheistic. “The American state is not an infidel or a godless state, nor is it indifferent to religion. It does not indeed, as the state profess any particular form of christianity, but it recognizes the importance and necessity of religion, and its obligations to respect and protect the religion of its citizens.”

As Mr. Jay was wont to say: “that in this country there were many sovereigns and no subjects,” so we say in this country, there are many religions, and yet there is no religion. There is really much vital piety, but no establishment. The United States is like one of the Apocalyptic powers in regard to religion. It is, and it is not, and yet it is a highly religious nation. On the point of CHRISTIAN NATIONALITY, the following remarks from the *London Christian Times* are exceedingly pertinent, and in the main as just as they are important. “The parallel is perfect in all that concerns the lower hemisphere of Anglo-Saxon life and politics; in the upper, while in some respects the advantage is clearly with the old country, in others the Americans are as clearly in the van. In all that concerns the relations between religion and the public life of a community, there is a freedom, a simplicity, and a reality in the American way of dealing with the matter, to which, with all ponderous establishments and ages of experience, we have not yet attained. Indeed, the Americans

manage, without a State Establishment, to infuse, to a large extent, the Christian element into their public acts; and on the other hand, are not afraid, Democrats as they are, of seeking to give formal expression to the convictions and emotions of the national religious heart. There is an amount of good sense and right feeling abroad in America upon these matters which reads some useful lessons to the religionists of the old world. It has been held by many earnest and able men, that a State Establishment of religion is the condition under which alone a nation can be Christian. Now no one can study the Constitution of the various states of great Transatlantic Republic without feeling that Christianity was very deeply in the hearts and minds of the men who framed them, though in almost every instance the Constitution provides expressly against any formal relations between Christianity and the civil power. And the history of the growth of Christianity, and of its living influence on the various political communities of the Union, amply proves that formal established relations between the Church and State are not essential to the maintenance of national Christian character, nor to the expression of national religious convictions at suitable times and in suitable ways."

Thirdly. The great fundamental principle of American institutions in regard to religion is this, namely: to protect the claims of every citizen in the free exercise and enjoyment of his religious faith and worship, as far as is compatible with the same and perfectly equal claims of other citizens. No other principle can be recognized among us, for all citizens are equal in the eye of the State; and, according to our government, all citizens are possessed of "inalienable rights," which are not held as grants from civil society, but from the Creator.

These rights are generally, if not always prefixed to the Constitution of the State, in what is called a "Bill of Rights." And these Rights are to be protected as well and as much as the Constitution itself. They are in fact more sacred than the Constitution. Now, among these *inalienable rights*, Americans recognize the freedom of the conscience, the right of every citizen to choose his own religion, and worship God as his conscience dictates, provided he does not do any thing on the plea of conscience, *contra bonos mores*, and provided his worship is not a public nuisance and does not interfere with the same rights in other persons. The State is therefore bound, *not to teach me what religion is*, not to tell me what I am to believe, and turn me over to the executioner to be burned as a heretic, or crucified as a malefactor if I do not believe and practice as the State directs. No! this were tyranny, this were persecution, this were a violation of every right sacred to me as an American citizen. But the State is bound to *protect* me in the full freedom of believing any creed I choose, and of worshipping God according to my conscience. This is an element of my liberty *as a citizen*, that I am to have full freedom and protection in all my rights and privileges. There is no difference in the State between Romanist, Greek, Jew or Protestant, Mormon or Hindoo, if they are citizens of the United States.

Every citizen has the same and equal rights as to his religion, and has the same claim for protection from the government. *As a Protestant*, I have no demands on the government; nor should I have any claims on the government as a *Roman Catholic*, a *Mormon* or a *Buddhist*, as a *Greek* or *Jew*; but as a citizen, I have a claim upon the government for perfect equality in regard to my religion, whatever it may be, that any other citizen may have in regard to his religion, whatever it may be. If, therefore, as a Protestant, I ask the State to pay the salary of my pastor, or to endow a school in which my tenets of belief, or the *dogmas* of my Church shall be taught, it cannot be done, for so doing would be a favor to my religion, nor can such equal and even favors be granted by the State to all the religions within it, for that would be virtually passing laws for their establishment, which is contrary to our laws. As long as a citizen keeps within the limits of equality, in asking the protection of the State in the enjoyment of his religion, and does nothing *contra bonos mores*, and commits no trespass nor public nuisance, he cannot be molested in his worship. The Constitution has *per se* no religion, but the State is bound to protect the religion of every citizen. The religion of the citizen is equally the religion of the American State, in so far as the religion of one citizen does not interfere with nor exclude that of another.

Fourthly. I stop not here to adopt or reject the position of Judge Story and of Mr. Webster, that Christianity is a part of the law of the land. It is obvious there is a sense in which we are a Christian nation, though our government has no religion. The sea is salt, because its particles are saltish. We are a Christian country simply and only because a majority of the inhabitants are nominal Christians, and not because of our organic laws. The following points are quite clear. The late census shows, in regard to the numerical strength of the nation, that the United States is a Christian nation, and its Christianity is Protestant. In a population estimated at twenty-six and a half millions, we have sixteen and a half millions in connection with what are considered Evangelical Protestant Churches.

A *second fact* brought out by the census, and alluded to by the London paper just quoted, is the success of the voluntary principle in contradistinction to State endowments in provisions for the religious wants of the nation. It appears that, in the United States, there are church buildings sufficient to accommodate thirteen millions and a half of the population, and that there is an evangelical ministry of twenty thousand men, and a church membership, in full communion, of above four millions,—nearly one in four of all the adult population; and about seventy millions invested in church property by the voluntary gifts of the people.

Thirdly. Then, in view of these facts, which might be greatly amplified in detail, we venture to say, that while we are a Christian nation, it is not true that the end of our government is to teach religion or the preservation or propagation of Christianity. The State

is not established to propagate religion. The primary ends of the government are "the protection of the persons and property of men, irrespective of their religious opinions." The religion of this country then is Christian and Protestant, not because Protestant Christianity is established by law, but simply because such are the principles and sentiments of the vast majority of the people composing and creating the State. But their majority gives them no right, civil or moral, to interfere with the consciences of their fellow citizens, who may be in a minority as to their views on religion—certainly not. There is no point clearer in the history of our Constitution and of our laws, than that our government means to recognize equality of rights and privileges in all its citizens, as the only equality consistent with truth and liberty, without any regard to majorities or minorities on religious dogmas.

Fourthly. In view of these facts, there is no moral responsibility resting on the State as such, to hold or to teach any religion.

Men as individuals, are to give an account, each one for himself, to God; but as banks, corporations, legislatures and states, they are in fact, *without a conscience*. Social wrong doing is to be punished in this world, for social functions are at death resolved back into individual accountability. Men do not die in their municipal capacity. They do not appear before the awful Judge of quick and dead as corporate or civil communities. Every man has to die and be judged for himself. His moral responsibility for acts as a member of the Chamber of Commerce, or of the City Council, or of the Legislature, rests on him as an individual.

Fifthly. The fact that the powers that be are ordained of God, does not prove that a State as such is religious. The power to get wealth is also of God, but riches are not piety. God put bits into Nebuchadnezzar's nostrils, and made him his *hammer* to execute his wrath upon Egypt and the Syrians; but it does not follow, that therefore the King of Babylon was as godly as Daniel. Cyrus was a divinely appointed agent to deliver God's people, as Moses had been before; yet it does not follow on that account, that Cyrus was as pious a man as Moses. The murderers of our Lord fulfilled a Divine purpose, but they did not crucify Him out of regard to the will of God, but with wicked hands gratified the malice of their own evil hearts. The laws of the land then may be ordinances of God, and yet not be in themselves religious, no more than the laws of agriculture are religious. The Creator of man and the Founder of the Church have not delegated power to the State to make a church, or to teach as a State the doctrines of Christianity. If I have not wholly misinterpreted the history of the Church of Christ in its early ages, such was the tenor of all its teachings as to the functions respectively of the State and of the Church.

Sixthly. There is no power granted to the Christian Church to establish a State for the purpose of teaching men the true religion by the power of the sword. All the right then we have as Christians to ask

for laws recognizing the Lord's Day and prohibiting blasphemy, is contained in the acknowledgment of the people that such things are contrary to good morality, and are a hindrance to the exercise of the religious freedom guaranteed to all men by the Creator and by the Constitution. It is contrary to the true independence of the Church of God, and to the genius of American institutions, for any of our laws to go beyond the simple protection of the citizen in the perfect enjoyment of religious freedom. It is not the province of the State to make religion or to teach it—to make a Bible or to compel us to read it—to ordain a Sabbath or force me to keep it. All the State has a right to do, is to protect all its citizens in the full possession of their rights to worship God after the dictates of their own consciences. Our Legislatures and School Directors are not ecclesiastical courts. Our Federal or State government as such has no functions to perform in behalf of religion, further than to maintain absolute religious freedom. The government has no right to educate ministers or priests, or to send out teachers of religion to the heathen, nor to appoint chaplains to the army, nor to the navy, nor to our State prisons. If Congress or the Legislature wish a chaplain, one may be elected; but he should be paid out of their own salaries, and not from the public moneys. Members of our legislative bodies have no right to appropriate money for the services of a chaplain. If they have one, he should be regarded by them as a *personal necessity* or convenience—just as their own coat—and should be paid for as such. The State does not undertake to make our Legislators pious, nor to teach them the catechism which their mothers should have taught them at home.

I regard Christianity as the basis of our distinctive institutions, and the Bible as the only palladium of American liberty. But the Constitution of the United States positively and expressly forbids Congress to make any laws establishing any religion, and secures to all men perfect freedom to worship God as they choose. It is there implied they may worship as many gods as they please, and worship anything as God they may choose, or worship no god at all. The articles of the Constitution are these:

"No religious test shall ever be required as a qualification to any office or public trust under the United States." Art. vi, page 22.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Art. I, amendment.

Seventhly. I do not find, then, in the Constitution or Laws of the United States, nor in the Word of God, any right or power conveyed to us as Christians or as men to persecute a fellow-man, or to subject him to any civil disability, or to impose upon him any temporal pains or penalties for his want of a religion, or on account of the kind of religion he professes, nor on account of the *manner* of his worshipping the Supreme Being, provided, he does not invade the rights of his neighbor, or commit an offense against good morals. I

do not find any authority in Christianity to turn a meeting house into a stable, to pull down a convent, to burn a monastery, nor to blow up a heathen temple. I do not believe Christianity allows us to visit the offender against the sanctity of the Sabbath with any pains or penalties. Nor do I find any authority in the Legislature to prohibit idolatry, or any other form of false religion. If the worship of idols, or any other system of faith contains anything in its practice that is an offense to the laws of the land, then the government may clearly take cognizance of it. If, under the pretext of worshipping God, a company of *howling Dervishes* should come from Constantinople and set up their worship in our streets, they could be restrained, not for their religion, but on the ground that they were a nuisance. If the dancing girls of *Esnah* in Egypt, were to transport themselves to Stockton street, they could be arrested and restrained from their abominable practices—not because they are *Mohammedans*, but because their conduct is an offense to good manners, and an outrage to common decency. And just so far as Mormons and Hindoos, or Buhdists, and the people of the Cannibal Islands, may, on the plea of conscience, be guilty of crimes and misdemeanors and offences in the sight of the law, so far may the magistrate restrain them; but not for their religion, or their want of religion, but because they are offenders against the laws of the land. If they should make their temple a house of prostitution, or of human sacrifices, or should steal our children to bring them up Pagans, then the laws of the land would take hold of their offenses, and protect us in our rights. If we have laws forbidding theft, bigamy, or adultery, then such things cannot be allowed on the plea that they are part of one's religion. But if a number of men chose to buy ten leagues of land in Sacramento Valley, and build a temple as high as that of Babylon, and put a golden image on the top of it, and go out and worship it every day,—so long as they violate none of the laws of the land, they must be protected in their worship. In this connection, it may be well to observe, that the loud complaints of English Christians against the government in India and other heathen countries, is not so much because the government tolerates heathen worship, but because *it patronizes it*. The revenues were employed in supporting heathen temples. And monstrous as this seems to be to the pious people of Great Britain, the government was, in a manner, justified. Consistency seemed to require it. The difficulty in their case lies in the establishment of any religion—the union of the Church and State. In England and Ireland Episcopacy is the established church. In Scotland, the Presbyterian church is the state church. It is on this plea of justice and consistency the government appropriates money to Roman Catholic schools and Pagan temples, as well as to the schools and congregations of the established churches. For Roman Catholics and Hindoos pay taxes. They are all subjects. And in this perplexity of the English we shall involve ourselves, if unfortunately we ever begin to divide our school fund. Every sect would

of course demand its share of the public money. The hope of a large appropriation would lead to proselytings that would be endless. The kind offices of good neighborhood would cease. The gloomy walls of bigotry would be raised between families that now mingle sweetly in social intercourse, and whose children though taught a different catechism at home, grow up in all the warmth and permanency of school-day friendship. And the result would be the entire destruction of the great American Public School system. In order, then, to avoid a calamity so great, but inevitable if we depart from our Constitution, and allow any legislation about religion, or the appropriation of public money for *sectarian* schools, we should have no religion at all in our Public Schools. Let the Bible and articles of religious faith be taught at home and in our Sabbath schools, and in our houses of worship; but not in the Public School. And if we want denominational schools, let us have them, but let each denomination or sect pay for its own schools, just as it does for its own pastors and places of worship.

VI.

Religiousness of the American peoples, although their Government has no religion.

"The Americans manage without a State establishment to infuse, to a large extent, the Christian element into their public acts. And the history of the growth of christianity among them, proves that formal established relations between the Church and the State, are not essential to the maintenance of national christian character."—*London Christian Times*.

"The experience of all Christians since the time when perfect religious liberty was established in these United States, proves that the peace and order of society are promoted and secured by allowing every one to worship his Creator in the way which appears to him most agreeable to the Divine will; and that "entire liberty of conscience is not only compatible with the existence and safety of religion, but that true christianity operates with the greatest energy, and prevails in its greatest purity, where the Church relies under the Grace of its Lord and Saviour, on nothing to sustain and advance its interest, but the power of truth and goodness, and the impartial exercise of its own spiritual discipline."—*Resolutions of the General Assembly of the Presbyterian Church in Philadelphia, 1830.*

THE heading of this chapter is chosen by design, for in our judgment, the terms "religiousness" and "American peoples," are better fitted to express our meaning as to the spiritual condition, state and provisions for religious worship among the multitudinous sorts of people in the United States, than any others which we could select. As to the maintenance of society and the providing for the religious wants of the inhabitants, the voluntary system of the United States, will compare favorably with establishments in other countries. But in order that this point may be presented free from national bias

I beg attention to the following statement from a Roman Catholic traveler among us, and who is an enlightened philosophical French writer, whose work on America is well known as a storehouse of information and valuable reflections.

"While religion in America takes no direct part in the government of society, it is nevertheless to be regarded as the foremost political institution of the country.

"In the United States, religion exercises but little influence upon the laws, and upon the details of public opinion; but it directs the manners of the community, and by regulating domestic life, it regulates the State. Nor is there any country in the whole world, in which the Christian religion retains a greater influence over the souls of men than in America; and there can be no greater proof of its utility, and of its conformity to human nature, than the fact that its influence is here felt most powerfully over the most enlightened and free nation of the earth." In accounting for this fact—the paramount influence of religion over the minds and manners of the Americans, *M. de Tocqueville* goes on to show that the great austerity of American morals is to be ascribed to their religious faith; that our religious faith is chiefly owing to the influence of woman. The influence of religion he says "over the mind of woman is supreme, and women are the protectors of morals. There is certainly no country in the world where the tie of marriage is so much respected as in America, or where conjugal happiness is more highly or worthily appreciated. In Europe, almost all the disturbances of society arise from the irregularities of domestic life. To despise the natural bonds and legitimate pleasures of home, is to contract a taste for excesses, a restlessness of heart, and the evil of fluctuating desires. But when the American retires from the turmoil of public life to the bosom of his family, he finds in it the image of order and of peace. There his pleasures are simple and natural, his joys are innocent and calm; and as he finds that an orderly life is the surest path to happiness, he accustoms himself without difficulty to moderate his opinions as well as his tastes. Whilst the European endeavors to forget his domestic troubles by agitating society, the American derives from his own home that love of order, which he afterward carries with him into public affairs."

Another reason given by this writer for the great influence of religion over Americans is, that it extends to their *intelligence* as well as to their manners. Free from the trammels of the oppressive ceremonies and rites, forms and titles of religions in the state establishments of the old world, they are more free to investigate the subject, and to adopt their own free enlightened views of christianity. And thus, while it takes no direct part in the government, it is nevertheless the foremost political institution of the country, and is properly to be regarded as indispensable to the maintenance of republican institutions. It is a general and a proper impression, if I mistake not, with us, that enlightened christianity and liberty are insepa-

nable. We know not how to conceive of one without the other. For as De Tocqueville has said: "Despotism may govern without faith, but liberty cannot. Religion is more needed in democratic republics than in any others. How is it possible that society should escape destruction if the moral tie be not strengthened in proportion as the political tie is relaxed? and what can be done with a people which is its own master, if it be not submissive to the Divinity?" (1 vol. p. 288.)

Another reason, which however is merely alluded to by *De Tocqueville*, for the great influence of religion upon the people of the United States, is the perfect separation of the Church from the State, and the little part taken by Priests and Clergymen in political matters. I have no doubt that he was correct in saying that the *peaceful domination* of religion in America, is mainly attributable to the separation of Church and State.

"I do not hesitate," says he, "to affirm, that during my stay in America, I did not meet with a single individual of the Clergy or the Laity, who was not of this same opinion upon this point."

But I very much fear, if so diligent an observer of men and things were to visit this country now, whether he could make as favorable a report of us as he did, more than twenty years ago. Is religion as supreme over the minds of the American people now, as it was twenty-five years ago? Is it as true now as it was then, that Clergymen eschew political themes, and employ themselves wholly in works of charity and in expounding the word of God? Is the dominion of religion as *peaceful* now as it was then? Are the different sects and churches living in the same harmony? And if these questions, or any similar ones, must be answered adversely to what we should wish, where is it, and on what account is it, that unfavorable answers have to be returned? Is it not where the *three thousand* Clergymen petitioned Congress that infidelity, and "the thousand isms" that have so much disturbed the peace of the churches and of the country prevail? Is it not in the land of the forty Ministers and Laity of one of our oldest colleges, more or less, who turn aside from their duties as Professors and Pastors, to lecture the President of the United States, that we find more skepticism and religious fanaticism, and errors of all sorts, than anywhere else? Is it not just where—just in those states of the American Union—where there has been the most legislation *for religion* as such—for religion in the public schools, and for the observance of the Sabbath as a *religious* day, that we see the greatest amount of professed infidelity, and the most disorganizing elements at work in the religious faiths of the people? From all the light I can gather on this subject, I am constrained so to believe. And in the light of all past history, it seems plain, that the more fully Ministers of the Gospel of all creeds depend upon the power of truth and goodness, the more and the better is the influence they may wield over the community. It is by plying themselves studiously to their holy calling—to the instruction of the ignorant,

the comforting of the afflicted with the consolations of our holy religion, and to the reading and preaching of the word of God, and causing the people to understand it, that they may do most for the advancement of true religion. It is thus, and not by the ceaseless agitation of religious questions on our political platforms, or by besieging every Legislature with reform measures and petitions for "Blue laws," that they may restore the Church of God to its former energy and power. It was not by carrying petitions to the Roman Pro-Consuls and Emperors to be signed in Ephesus, Macedonia, and others, that Paul and Silas planted Churches throughout Asia Minor and Greece. They carried no civil statutes nor imperial decrees from Jerusalem and Antioch, carefully rolled up in parchment as an appendix to their great commission from the Head of the Church, to preach the Gospel to every creature. They never carried in their girdles any authority from Cæsar, commanding his subjects to believe in their mission; but they went on preaching until Cæsar himself put the cross on his crown. And when *John Wesley* sent out his Missionaries, did they go with letters and decrees from the premier; or rather did they not go with the frown of both the Church and State upon them? and yet, where in modern times have greater results been achieved? The pioneer Methodist preachers that first proclaimed Christ in the western wilderness—how many statutes from the Legislature and Colonial governments did they carry in their saddle bags?

The only point, however, which I deem it important here to insist upon is this, that the inhabitants of the United States are, on the whole, a religious people, and that they are so without the assistance of the government. It is not meant of course, that all the people of the United States are pious, nor that they are all professing christians; but that compared with other christian countries, we may truly say, that we are a religious people. And yet, it is not because our government, as a government, has any religion, or has done anything for the people to make them religious, farther than to protect them in their religion. Our Puritan Fathers, Scotch Covenanters, Dutch Calvinists, and French Huguenots, were they religious by the assistance of Cæsar, or in spite of his frowns? The civil government has never yet truly converted a heretic by statutes, nor made any one pious by the weight of its arm.

VII.

The History of the formation of our Government.

It is the purpose of this chapter to show by a brief reference, to the history of the formation of our Government, that the foregoing views are correct as to the religiousness of the inhabitants of the United States, and yet that their government has no religion.

It is perfectly plain from the history of the times and of the formation of the National Government, that the non-recognition of God in the Federal Constitution was not designed by its framers to be a declaration on their part, that they did not believe in a God, nor in any religion.

It is well known, that some of the members of the Convention, which framed the Constitution, were not only among the ablest, wisest and best men of the Nation but also firm believers in Christianity. It is also admitted that the people were generally impressed with religious feeling. Then, although it was an age of infidelity and vice, the reason of the omission of any religion, or of the being and providence of God in the Constitution, is not that a majority of the members of the Convention or of the people that adopted it disbelieved the Divine origin of Christianity.

What then is the reason of this omission? Is it that they meant merely to prevent the establishment of Christianity by law, as was common in the old country? It is contended by most writers, as far as I know who hold opinions contrary to those I advocate in this Tractate, that this is the meaning of the article against a religious test, and of the amendment about religion. But I am perfectly sure this is not all the truth in the case. It is doubtless true our fathers meant to protest against the establishment of Christianity. But it is also true, they were so thoroughly convinced of the corrupting influence of any union of church and State, upon both religion and government, that they intended by this prohibition in the fundamental law of the land, to render it impossible for any one religion as such, to gain the favor and protection of the Government, in contradistinction to any other. If they had meant to say, "we will not allow Christianity to be so established by law as is done in Europe—it must be supported by the voluntary offerings of the people; and yet while all religions shall be tolerated, we declare ourselves to be a christian nation, and our Government a Protestant Christian Government." Now if this was what they meant, as we are told again and again, why did they not say so? Were they not able to express themselves intelligibly?

If the men who framed our Constitution had intended to say this, they were abundantly able to do so. But as this was not their meaning, and as they were honest men, they have said just what they meant; and have said it so plainly, that I wonder any other construction has ever been put on their language. They meant to say, the fundamental laws of the land know no religion at all. "No religious test shall ever be required as a qualification to any office or public trust under the United States." And "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The express language used, certainly conveys the idea that they designed to take a world-wide view of the subject, and that by religion they meant any and every creed. And they meant to say that the Constitution and government are intended exclusively

for civil purposes. Religion is not therefore mentioned in it, for it makes no part of the agreement between the parties making and adopting the Constitution. In surrendering a portion of their civil rights for the security of the remainder, there was no surrendering any part of their religious freedom. It was retained untouched. It could not be *surrendered*, for it is an individual matter between each man and his Maker—a personal matter with which the Government cannot interfere. And besides, the differences of the sects and churches were then so great and so fierce that it was impossible to induce them to adopt any articles on the subject of religion. It was admitted on all hands that the whole Constitution was a compromise, and it was doubtful whether it would be adopted—many feared it would not be adopted—and it certainly would have been rejected if any clause in it had recognized any religious dogmas. For it must be remembered that there were in the colonies High-Churchmen, Dissenters, Quakers, Huguenots, Catholics, Independents, Presbyterians and Baptists. Not a word could be said in the Constitution that could have been equally satisfactory to all; therefore, nothing was said. And it was wise and best that no religious test was admitted; first, because it would have opened the door to hypocrisy and corruption; and secondly, the purity of religion is best preserved by being kept wholly separate from politics; nor, third, was any such test or recognition necessary. The surest way to promote religion is by enlightening the mind and the conscience. "And the experience of this country," says the excellent and learned Judge Bayard, "has proved that religion may flourish in all its vigor and purity, without the aid of a national establishment; and the religious feeling of the community is the best guarantee for the religious administration of Government." —*Bayard on the Constitution.*

The omission then to recognize God and a future state in our Constitution, was not a mere oversight as some contend. The subject of religious liberty was one that had long agitated the country, or at least the oldest and most populous parts of it. And it was found to be one of so much difficulty, that in adopting a compromise for the structure of a fundamental instrument like our Federal Constitution among other points, it was determined to be best, and in fact, the only thing they could do, to make a Constitution without any recognition of religion in it. That it was impossible for such men as were the framers of our Federal Government to have omitted altogether any recognition of Christianity in the Constitution by a mere oversight, cannot be believed. For first, as we have already said, many of them were sincere believers in Christianity. They surely did not ignore it then through inattention. Secondly, it will be remembered that many of our fathers were religious colonists. They were men trained in religious wars from their youth up. They came to America professedly as religionists, and to propagate here their religious views. And accordingly, at first, they did all, or nearly all, establish their creed as the religion of the colonies they founded.

This subject was one therefore prominently before the public mind, and in further proof of this, some facts may be stated. For example: Dr. Chauncey preached and published a sermon in 1778, in which he declared that the defeat of the American army on Rhode Island was caused by the displeasure of God against the Legislature for not passing an Act to compel the people to make up to the Ministers what they lost in their salaries by the depreciation of the public currency. This neglect, of the Legislature he calls "*an accursed thing.*" (Backus' Ch. His. p. 196.)

And in the Convention that met at Boston, September 1st, 1779, for the formation of a new Constitution, and after a general fast, on the 10th November, an article was brought in to give the civil Magistrate power to support Ministers by force. Ib., 197.

And Rev. Mr. Cooper, in a published sermon, preached in Boston, 1780, says there is so much diversity of sentiment among the people respecting the extent of the civil power in religious matters, that he earnestly recommended "from the warmth of his heart, that all mutual candor and love be exercised on both sides." The salaries of Ministers of religion in Connecticut and Massachusetts were collected and paid by law until 1784, or until about this time. The same thing was true in Virginia. Another proof of the fierceness of the controversies of these times on this subject, is to be found in the life of Rev. Isaac Backus, an eminent man among the Baptists in the early history of the New England Colonies, and a great champion of non-conformity in his day. When by appointment of his brethren, he waited on Congress, in Philadelphia, with a memorial for perfect religious liberty, and to secure the persons, liberties and estates of all persons without any restraint on religious accounts, "he was threatened with a halter and the gallows." The newspapers were very severe upon him, and among other things, accused him of going to Philadelphia for "the purpose of breaking the Union of the Colonies," by fomenting the great diversity of religious sentiments.—(Backus' History of the Church, p. 11.)

It was in these days that men were "fined, whipped and imprisoned for conscience sake in the American Colonies." No less a man than the Rev. Samuel Finley, afterward President of New Jersey College, barely escaped with his life, because being a Presbyterian, he preached in New Naven and Milford contrary to the wishes of the authorities.

Nor was it in the Colonies themselves only that this subject was much thought of and talked about. The Bishop of Landaff in 1767, in a sermon in behalf of the London Society for the propagation of the Gospel in foreign parts, said in congratulating his hearers and the Church of England when the British Government had determined to tax America: "We may now assure ourselves that this benefit will flow to the church—that the American Church will soon be able to stand upon its own legs; and without foreign help support itself, and spread itself. Then the business of this society will have been

brought to the happy issue intended." Backus, *Ib.*, p. 185. From this congratulation of the English Bishop at the prospect of the British Court taxing America, we learn, that the object of this society for the propagation of the Gospel in heathen lands was really to plant prelacy in America—that for this they had then been laboring for nearly twenty years, and had seven ministers in North Carolina, and twenty-three in Massachusetts and Connecticut. How many in other parts of the Colonies I have not the data at hand to say; but history asks, where were these men in the dark days of the Revolutionary struggle of 1776?

It was then after men of the finest talents and most extended information had inquired with vigor and patience, and with a remarkable keenness of perception and clearness of sight as well as enlightenment of conscience into the true relations of the Church and State, that our Federal Government was formed. It is not what it is without design. There is no religion in it, not because its framers were ignorant, or wicked or infidel, or forgetful of the interests of Christianity, but because whether in the abstract they were in favor of a total separation of Church and State or not, still, under the circumstances, they decided, as far as our fundamental laws were concerned, so to ordain.

It is doubtless true that some of the framers of our government were under the influence of the French Encyclopædists, and did not believe in Christianity at all. There was much infidelity in the country, if we were to believe the reports of churches in those days. Patrick Henry, in reference to the want of piety in the country, said: "The view which the rising greatness of our country presents to my eyes is greatly tarnished by the general prevalence of Deism, which, with me, is but another name for vice and depravity." Thomas Paine had considerable influence in the country. He was the editor of the *Pennsylvania Magazine*, in 1774, and after hostilities commenced with the mother country, he published his celebrated pamphlet called "*Common Sense*," for which the Legislature of Pennsylvania voted him five hundred pounds. Soon afterward, he published "*The Crisis*," which consisted of political appeals in behalf of the Colonies and in justification of the Revolution. His "*Rights of Man*" were published in England, after Burke's *Reflections* on the French Revolution had appeared. It may be true, that partly from their own want of religion, and partly from their association with France at that time, that some of the founders of our government desired that there should be no recognition of Christianity in the Constitution, thinking that if it were left unsupported by the State, it would soon perish out of the country. This, the followers of Paine and Voltaire desired, and perhaps thought this the best way to crush it out. But this was not the secret thought, nor the design of a vast majority of the men who framed our organic laws and laid the foundations of our glorious institutions. Certainly not. But they did mean to keep Christianity absolutely separate

from any establishment like those known in the old world ; and they meant also to put Christianity and Judaism, and Mahommedanism, and all other religions, on precisely the same footing. If they intended simply to discriminate between and to prefer and adopt Christianity in contradistinction to Paganism or Judaism, how is it they did not say just this? Why did they not tell us just what they meant? They knew the meaning of language. They were brave and honest. They could not mean to deceive. And if they did not intend to establish Christianity in contradistinction to Judaism or Paganism, as they certainly did not, much less can it be admitted that they intended to make this country by law "*an Evangelical Protestant country*," as against Catholics, Quakers or Unitarians. I repeat here what I have said substantially elsewhere, if the popular phrases, "Christian nation," "Protestant country," "evangelical religion of the land," and the "genius of American Institutions," and "Christian government," mean anything more than what I have allowed to be the only sense in which they can be applied to the inhabitants and laws of this country, then we should be bold and honest, and say so. We should make another Declaration of Independence, and declare that our *Protestant Bible* "is, and of right, ought to be" the basis of all our institutions, and is the Supreme Organic Law—and that Christianity, after the Protestant type, is our established religion. Let us tell Budhists, Mohammedans, Israelites and Catholics, that they must not come to America, expecting perfect religious equality—that we will tolerate them, but not admit them to be School Commissioners, or Teachers, nor to enjoy the benefits of their taxes in our Public Schools, unless they consent that their children shall be taught our religion in these schools. I am for being fearlessly honest in this whole thing ; and if this is to be our policy, I wish the world to know it. But I do not believe this was the intention of our fathers, nor do I believe that a majority of the American people will ever say they wish this to be the policy of the government, or the practice of this country.

VIII.

The Sphere and Duties of the Government.

“Young in years, but in sage counsel old,
To know
Both spiritual power and civil, what each means,
What severs each, thou hast learned,
Which few have done.”—*Milton's Eulogy of Vane.*

“The end of civil government is security to the temporal liberty and property of mankind, and to protect them in the free exercise of religion. *Legislators are invested with powers from their constituents for this purpose only; and their duty extends no farther.* Religion is altogether personal, and the right of exercising it unalienable, and it is not, cannot, and ought not to be resigned,

either to society at large, and much less to the Legislature."—*Memorial of the Convention of the Presbyterians in Virginia, in 1785, to General Assembly of the Commonwealth of Virginia.*

If Infidelity contemns the Church, it is fanaticism to despise the State, and both are the products of ignorance and folly. For both the Church and the State are ordained of God and are of co-ordinate jurisdiction—the one for the spiritual interests of men, and the other for their civil and temporal well-being. They may and ought mutually to aid each other, but never to come in conflict with each other. If men were as holy as angels, the restraints of morality and religion would be quite sufficient to indicate the course of duty and the way of happiness. But men are not angels. They require, in addition to the restraints and teachings of ethics and religion, the positive regulations of civil society and the sanctions of municipal laws. It is, however, of the first importance to distinguish between the province of religion and the province of civil law. Jurisprudence, as such, does not look forward into eternity. In the words of Professor Walker, of Ohio, "It begins and ends with this world. It regards men only as members of civil society. It assists to conduct them from the cradle to the grave as social beings; and there it leaves them to their final Judge. Religion and morality embrace both time and eternity in their mighty grasp; but human laws reach not beyond the boundaries of time. I know no higher subject of congratulation than the fact, that we have confined our legislators to their proper sphere; which is, to provide for our social welfare here on earth, and leave each to select his own pathway to immortality."—*American Law*, p. 10.

It is not denied but that our social welfare here on earth is intimately connected with our moral and religious condition; but it is contended that the all-powerful aid of religion is all the more efficacious when legislators leave us, as immortal beings, to our own conscience and to our God. Religion is only hindered when the Government interferes between us and our Maker.

There is much confusion in all that I have met with on the subject of the Bible in schools. In one sentence, we are told it is the duty of the State to do this thing, and in the next, that the Church must do it—that the State cannot teach religion, and yet that it must *compel* the Bible to be read. Christ said, suffer little children to come to me, and therefore, the State must compel them to read the Bible. Christ commanded his disciples to preach the Gospel to every creature, therefore the State must compel the teachers of our schools to read the Bible. Now, I acknowledge I cannot understand this kind of reasoning. Nor should there be any such confusion as to the duty of the State and of the Church. Their provinces are distinct, and if they are to act together, let us know how much each is to do; and if separately, let us know where the boundary is. Is it the sole prerogative of the Church to educate her baptized children? If so, is the Church to do this through the State, or without any aid

from the State? Or if it is the duty of the State to educate all its children, is she to do it through the Churches, or independently? If we have not distinct ideas on these points, we shall be always floundering in darkness. Now, if it be the duty of the Church—that is, of each denomination of Christians, to educate the children of its membership, to the total exclusion of the civil power, (because education is strictly a religious duty,) then the State has no right to interfere, for it cannot be the right and duty of both the Church and the State to do one and the same thing. But if the duties of the State are civil and not sacred; and if the duties of the Church are sacred, and not civil, as they respectively are, then there is a way to settle this question of jurisdiction. If, as Bishop Hughes, and a great many Protestants, also contend, it is the especial duty of the Church to control the entire education of youth, then it must be shown that education is wholly a religious thing, and to be conducted in all its parts by spiritual authority alone, just as the sacraments are administered. But we are not prepared to adopt this view. For there are obligations resting on a man as an individual, and as a member of society, to educate himself and his family, without any regard to his religion at all. Nor are these obligations to be attributed to his religion. In the sense that the civil government has a right to provide for its own security, it has a right to provide the means of educating its children, just as it has to adopt measures to develop its physical resources. But this does not mean that the State can come into my house and take my children and educate them, and teach them a religion that I do not believe, or wish them to embrace. Obviously this cannot be the meaning of our friends, who insist so strenuously upon the duty of the State to teach the Bible to its children, and yet their language would warrant such a construction.

Now, in developing the sources of its wealth, and thereby providing for its well-being, how does the State proceed? Does not the State find its prosperity the most effectually promoted by leaving many things to be done altogether by individual effort—some things to domestic police or family government and education—and other things to voluntary associated effort? This is undoubtedly the policy of our government, both as to secular and spiritual affairs. Rather, I should say, it is the design of our government to leave religious things wholly to the conscience. And this clearly because they do not lie within the domain of the civil authorities. How, then, can the compulsory use of the Bible anywhere come within the power of the State? Whatever may be the duty of the State as to the education of its children, that education must be secular, and not religious. In the art of reading and writing, or of acquiring a knowledge of chemistry or algebra, is there anything more distinctively religious than in the art of ploughing, or in tanning leather, or building a ship? It seems to me there is not. Nor do I believe that a company of children are any more likely to become infidels or vicious, at the Public Schools, learning grammar and arithmetic, than the boys and girls

who are learning trades, or are brought up in the factories. I believe the danger much greater in the latter than in the former. Is it, then, the duty of the State to have the Bible read in every carpenter's or blacksmith's shop, and to have the girls in the milliner's store or the cotton mill, taught their catechism? All the right the State can have to educate its children must be civil, and not religious, and must rest wholly on its right to provide for its welfare. In many of our States the power to direct the education of the people is declared and limited in the Bill of Rights, and is classed with the power to build roads. It is very plain, therefore, that in assuming to help in the education of children, the State does not intend to interfere with the individual rights secured by the Constitution, among which are the rights of conscience and perfect religious freedom without any disability on account of religious opinions.

One of the pastors of this State, whose attention was called to this subject, says: "Legislation to compel the reading of the Bible in common schools, or the observance of Sunday, is neither right in principle nor happy in its results. The end proposed to be accomplished by such legislation does not fall within the province of the State. Laws are mainly useful as bars across the paths of transgression; as a general thing, they should be put up only when transgression is expected. True, the State may do many things which the individual will not or cannot do—either singly or by voluntary combination with others—such as exercising a general superintendence over commerce, and intercourse with other States and nations; constructing or aiding public works essential or conducive to public prosperity, &c. The State must also protect the individual in the enjoyment of his personal rights, redressing, as far as possible, the wrongs he suffers in person, reputation or estate, (which he ought not to attempt singly) and securing to him the right of being judged in all cases according to law, and not by caprice or wanton authority. Here, if I am right, the duties and the just powers of the State end. Within the limits above implied the individual should be left to educate and develop himself in perfect freedom. The State may encourage general education by affording to the masses facilities for its attainment, but may not say, without tyranny, that the individual *shall* learn to read, or *what* he shall read, having learned; that he *shall* adopt and practice any religion, or *what* religious faith he shall adopt and practice. He has never yielded up to the State the authority to decide such matters for him, nor entrusted his conscience to its legislative direction in them. The State infringes upon his personal rights when it assumes to do this. If the Legislature enacts a law that he shall read the Bible in school or anywhere, or that he shall observe Sunday as a day of rest from work and play, because these things are essential to public and private virtue, or for any other reason, it is *not* to prevent transgression; it is *not* to protect and secure individual rights; it is not to promote a public work or good essential to general prosperity, without an improper interference

with individual rights, and which individuals would not better attain if left to their own free, voluntary action; it is to *force* him to an act which should be left to his own conscience and free choice. Such is my opinion."

Thus writes one of the ablest and most devoted ministers of this State. The province of the government is to *protect* the people in the pursuits of life—not to destroy their individuality, nor assume the control of their free agency, unless they abuse it by infringing on the rights of others. Whatever may be true of other governments, this is, unquestionably, the design of ours. In relation to the farmer, the merchant, the sailor, and all other pursuits, the object of our government is to protect them in their rights. The government sells the farmer the land, but it does not furnish him with a plow, nor build his fence nor his dwelling house; it only says: you shall be protected from violence in pursuing your industrial arts, and in the enjoyment of the fruits of your labor; your house shall be your own castle, and, as long as you obey the laws of the land, no one shall molest you. So, in like manner, our government says to every one: you may worship one god, or many gods, or no god at all, just as your own conscience teaches you; but, in your worship, and in your religion there must be nothing that is a nuisance, or an offense at civil law; if there is, then you pass from the province of religion and the security of your altars into the domain of the civil magistrate, and he must deal with you for offenses indictable at common law.

The government does not build a church, nor educate nor support a pastor. It says to the people you may build a house of worship of any size or style you please—furnish it after your own taste, and have any sort of a priest or minister you choose. All we will do is to protect you just as we do your neighbors. It is not our province to furnish you with a religion, nor to support it for you. Your religion is an individual matter between your soul and your Creator. It is not our duty to teach it to you; it is taught to you in your Churches. The State cannot teach our children religion; and if the State should profess a willingness to establish the denomination to which I belong, and to teach its creed and catechism, I should oppose it with all my might, and to the last moment of life. If, then, the meaning is, that it is the duty of the State to give the children a liberal education, without teaching them religion of any kind, how and by what authority does it become the duty of the State to cause the Bible to be used in the Public Schools? What kind of a book is the Bible? Is it not a *religious* Book? Is it not religion itself? And is it not just because it is such a book—just because it is such a book as Protestants believe in, that so much zeal is manifested for forcing its use in our Public Schools? If not, I confess I do not understand the subject at all. If it were to teach the children how to read, or how to write, or even the geography of the holy land, or the botany of the trees and flowers of Mount Lebanon that the Bible is to be

read or used in the Public Schools, then I could understand something of the consistency of the argument; but this is not the object. The professed object is to teach religion, because religion is the basis of all good morals, and is necessary to our national existence. And still more, the object of those who are so strenuous in advocating the use of the Bible in our Public Schools is to teach not merely religion but Christianity, in contradistinction to Judaism or Mohammedanism; and *Protestant* Christianity in contradistinction to the faith of the Greek, Romish, or Armenian Churches. Now, if this be not their object, I do not comprehend their purpose, nor understand their arguments at all. We must then come to this issue: Education is to be secular, or it is to be religious, or it is to be both. If it is to be both, then the State is only able to superintend one part of the work. And if it is to be wholly secular, then the Bible is not to be *forced* into the schools, for the moment that is done, the State takes cognizance of a religion, and undertakes to teach it to our children. But surely this cannot be done in our country. The legislature has no more right to direct the reading of the Bible in a school, than it has to direct its own members what church they must worship in. Nor has the legislature any more right to authorize the Board of Directors to compel me to have my child listen to the reading of the Holy Scriptures in the Public School, or to require any teacher to read a particular version, than they have to authorize a Board of Visitors to compel such or such a version of the Bible to be read in our Churches. The proposition may be twisted around and around, and stated in many different ways; but in every one of them, the meaning of it at bottom, and unknown and unsuspected it may be, by many who support it, is a union of Church and State. It is a dangerous step, and should at once be resisted in all proper ways; for if persisted in and allowed to prevail, it will lead inevitably to much sectarian bitterness, and in the end to civil and religious wars. And just in the proportion that our laws allow us the perfection of religious freedom, in the very same measure should our religion make us forbearing and charitable, and restrain us from doing what is wrong, unjust, rash or oppressive.

I do not, then, understand it to be the province of the Government of the United States to interfere with different religious views, nor to determine what religion is true, nor what is false. It is a *civil*, and not a *religious* institution. It is intended to protect equally every citizen in the enjoyment of the religion he chooses, so long as he does not invade the rights of his fellow-citizens, and to show preference to none. It must be so, for the Constitution has not granted to the government the power of defining or legislating for the Divine law, nor is the Legislature competent to determine what are the laws of God. This point is left to each citizen, and so long as he respects the equal rights of others, he is not amenable to any human tribunal for his religious sentiments. Our government, then, as such, is incapable of performing a religious act. It does not assume to determine any religious controversy, whether between Christianity and Judaism,

or between Protestantism and Catholicity; nor can it do so, for it is plain, that if once the Government takes upon itself to perform such an act, then the way is open to destroy all our religious liberties. No martyr ever suffered, but for the violation of what the supreme power in the case had determined to be the law of God, that is, the established religion.

There ought not to be any conflict between the sphere of religion and the civil authorities, for the duty of the State is *civil*, not *sacred*, and the duties of the Church are *sacred*, not *civil*. In the city there are Methodist, Baptist, Congregational, Presbyterian, Episcopalian and Catholic Churches, with their respective pastors and parochial supervision. The surface lines of their respective domains lie over one another, and cross each other many times, and over and above or below them all, is the civil jurisdiction and the multitudinous lines of districts for fire, for schools and for election purposes. The territories are coterminous and on the surface identical, and yet not the same; nor is there any confusion or jostling. The plane of each orbit lies within itself and is well defined. And what is thus true of any one district is equally true of all. The province of the State is one thing, and the province of the Church is another thing; their provinces are different, but not antagonistic. A man may be a good Christian and at the same time be as good a citizen. He may be a faithful church-member, and yet be a loyal patriot. Now, as God is the author of concord and not of confusion, the same rule must apply to his Church in regard to the duty of education. And if it can be shown that the education of the nation's children is purely a civil duty, then it is clearly the duty of the State to control it; or if it can be shown that the duty of educating the nation's children is of the nature of religion, and that it is the duty of the State to superintend and provide for the spiritual concerns of the people, then it is clearly the duty of the State to teach religion. But not otherwise.

It will hardly be contended that in an equal sense it is the duty of the Church and of the State to do one and the same thing. If not, upon which devolves the first and highest duty in regard to this matter? We answer, upon the Church. And, according to our laws and our practice, in the main, it is conceded that education in its highest signification comprehends both secular and religious knowledge, and that the State may properly provide for the first, leaving the Church to look after the latter. It may, and it does often happen, that there is so much unanimity of sentiment in a community, that the two things may be combined, and a secular and religious education be carried on together. Wherever this then can be done honestly and in perfect justice to all, and without any degree of oppression to conscience, it is a great blessing. But where this cannot be done, then the State must be content to confine itself exclusively to a secular education, leaving the Church to complete the work in the best way she can. And in such a case it is a question of importance to know just how far, if at all, a Church may receive the assistance of the State. Our views on this point are given elsewhere.

I take an illustration here from the great apostle of religious liberty—from Roger Williams' letter to the town of Providence, intended to show that freedom of conscience does not mean radicalism or anarchy: "There goes many a ship to sea, with many hundred souls in one ship, whose weal or woe is common, and is a true picture of a commonwealth, or a human combination or society. It hath fallen out sometimes that both Papists and Protestants, Jews and Turks, may be embarked in one ship. Now, I affirm that none of the Papists, Protestants, Jews, or Turks, should be forced to come to the ship's prayers, or worship. And I further add, that I never desired, that, notwithstanding this liberty, the commander of this ship ought to command the ship's course, yea, and also command that justice, peace, and sobriety be kept and practiced, both among the seamen and all the passengers. If any of the seamen refuse to perform their service, or passengers to pay their freight; if any refuse to help, in person or purse, toward the common charges or defense; if any refuse to obey the common laws and orders of the ship, concerning their common peace or preservation; if any shall mutiny and rise up against their commanders and officers; if any shall preach or write, because all are equal in Christ, therefore, no masters or officers, no laws nor orders, no corrections nor punishments, I say, I never defied; but, in such cases, whatever is pretended, the commander or commanders may judge, resist, compel, and punish such transgressors, according to their deserts and merits."—*Gammell's Life of Roger Williams*, p. 165-6.

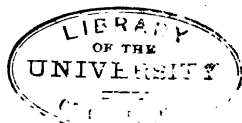
One of the blessings of Christianity is that it regards human beings as real individualities. Man, the individual, in Greece and Rome was nothing. The State was everything. But under the Gospel man is regarded as an entity having an immortal nature, and relations and duties to his Creator that the government has no right to meddle with. It is a part of infinite wisdom to distribute human beings into three grand generic societies, harmonious and yet altogether distinct, and yet not in anywise destroy our individualities. I mean the Family, the State and the Church. And these three agencies comprise the whole period and the whole field of human existence. It is in the family the heart and affections are to begin to develop, and in the Church they are to be so educated as to prepare us for the society of the blest, and the State throws over us all alike its great shield of protection from the cradle to the grave, but, goes not with us into eternity.

IX.

Common Law does not allow Legislation against the rights of conscience.

"Non est opus vi, quia religio cogi non potest,—nec potest veritas cum vi conjungi. Nihil est tam voluntarium quam religio, in qua si animus aversus est, jam sublata, jam nulla est." *Lactantii. Div. Inst. lib. Inst. lib. v., cap. xix.*

THE ablest and clearest exposition of the "sphere and duties of government in reference to public morality" that has come within my reach, is the lecture of my most highly esteemed friend, *Fletcher M. Haight*, Esq., of this city, before the Young Men's Christian Association, in 1855. And if all who speak and write on the subject, were able to do so with as much fairness, calmness, judgment and good taste, as characterize this gentleman's lecture, we should hardly know how to controvert their opinions, although we might not be able to adopt the same conclusions. We join heartily in Mr. Haight's wish that Christianity may be a living and controlling principle in our country; but we are not able to see as he does, that "Protestant Christianity is the religion of the country. We leave all others free—the fire-worshipper of Persia and the disciple of Confucius—the Brahmin of India, and the Priests of Japan, Mohammedan and Jew, may here, all alike, build their temples, Pagodas or Mosques, and kindle upon altars protected by public law, the fires of sacrifice. But it is not the less true that we have a religion of our own"—"an acknowledged religion," "by the admitted and repeated recognitions of every State government in the Union and of the National government." If by this, we are merely to understand that a majority of the peoples of the United States are nominal Protestant Christians, then it is no doubt true; but if the meaning is, as most of my friends seem to understand it, that the Constitution and Laws of the United States so recognize Protestant Christianity by requiring an oath or affirmation, and by recognizing other forms or rites of religion, as to make it the duty of the civil powers to *promote and sustain* Protestant Christianity in preference to any and all other religions, then I must beg leave to differ from them. This construction does not seem to me to belong to our fundamental laws, because they do not expressly authorize it. They do not require it. They seem positively to forbid any such a construction. The use of an oath and the practice of having a chaplain and the observance of Sunday, are elsewhere considered. I attempt here only some remarks upon the bearing of common law on this subject. There is a sense doubtless in which the common law is "the birth-right of the Anglo-Saxon." But in the United States, is it not just as fully the birth-right of the Israelite, the Italian and the Turk? It is true, also, that "the common law of England, so far as it is not repugnant or inconsistent with the Constitution of the United States, or the Constitution or laws of the State of California, shall be the rule of decision in all the courts of this State." And this I believe is true of all our States, except Louisiana. But has it not also been decided by the highest colonial authority in Great Britain, that Englishmen, in planting new colonies, are emancipated from all *spiritual* jurisdiction? And in declaring our National Independence, if not before, and in effecting our deliverance from an established Church, did we not free ourselves from all the laws, *common*, as well as statute, that prevailed in England as to religion? I think so, except so far as relates to the



protection—not to the promotion or sustaining of religion—but as to the protection of all citizens in the enjoyment of their religious opinions. But this protection does not mean *sustaining* one form of religion in preference to another. The Constitutions of the National and State governments “are silent.” Is it then true that Protestant Christianity is part and parcel of the common law in such a sense as to require and recognize the enforcement of laws in favor of the Christian Sunday, because it is a religious day by Divine appointment, and the use of our Protestant Bible in our State Institutions? To this I must answer, No. I am aware that learned authorities are quoted, both English and American, to prove that “Christianity is part and parcel of the common law.” Lord Chief Justice Raymond is quoted as saying that, because Christianity is part of the common law of England, it must be protected by it, “for that whatever strikes at the very root of Christianity, tends manifestly to the dissolution of the civil government. And the whole Court concurred.” How this may be in England, it is not here important to show; but if this decision is applied to us, what is its bearing? Why, manifestly, that the common law is to be made to *sustain* Christianity at the expense of Judaism and every other religion—“for whatever strikes at the very root of Christianity, tends to the dissolution of the civil government?” And in *thus* administering the common law, it must distinguish, discriminate, and prefer Christianity—but how can this be done under a government that does not show any favor to any one religion? How can this be done by a government that does not undertake to decide any religious controversy, but does undertake to treat all religions precisely alike? The dictum of Judge Story and of Mr. Webster, that Christianity is a part of the common law of the land, if admitted, does not settle the question; for it decides nothing between Greek Catholics, Roman Catholics and the Protestant denominations, for all profess Christianity. *Whose* Christianity is it then that is a part of the common law? I admit that this question is of no importance as to a very large mass of matters that may come within the province of common law; but as to the question of our Protestant Bible in the Public Schools, and the appointment of Chaplains, it is a pertinent and vital question. In deciding then that Christianity is a part of the common law, nothing is decided as between the Catholic and the Protestant, and the issue about the Bible and Chaplains, is not therefore settled. But let us look a little more into this celebrated dictum. Mr. Jefferson shows in a very remarkable letter, which he wrote to Major Cartwright of England, in 1824, in the eighty-second year of his age, that this dictum is a “judiciary forgery,” “a judiciary usurpation of legislative powers,” by the judges in their decisions, making “Christianity a part of the common law.” He shows that the original, on which this whole series of judicial usurpations was founded, was a mistranslation from Prisot. Prisot said: “To such laws of the Church as have warrant in *ancient Scripture*, our law giveth credence.” But

Finch, in 1613, a century and a half after the dictum of Prisot, mistranslates "ancient Scripture" into "Holy Scripture." And Wingate, in 1658, erects this mistranslation into a maxim of common law, copying Finch but citing Prisot. And Sir Matthew Hale, without quoting any authority, decided in some of his witch-condemning trials, that "Christianity is parcel of the laws of England." And thus, by these echoings and re-echoings, it became so established, in 1728, that all blasphemy and profaneness were offenses indicted at common law. Blackstone, in 1763, quoting the words of Hale, but citing Ventris & Strange and Lord Mansfield, in 1767, reiterated what has been generally considered the same opinion, but which, I think, is a mistake, as I hope to show presently. Mr. Jefferson, if I am not mistaken, was considered an able lawyer at common law, and in summing up his investigations of this point, he says: "And thus far, we find this chain of authorities hanging link by link, one upon another, and all ultimately upon one and the same hook, and that a mistranslation of the words "ancient Scripture" used by Prisot. Finch quotes Prisot, Wingate does the same, Sheppard quotes Prisot, Finch and Wingate; Hale cites nobody; the Court, in Woolston's case, cites Hale; Wood cites Woolston's case; Blackstone quotes Woolston's case, and Hale, and Lord Mansfield, like Hale, ventures it on his own authority." It is very surprising that such a dictum should have been adopted. There is no legal authority for it, and the practice of the Courts, both in this country and in England, altogether fails to sustain it. For if Protestant Christianity is a part and parcel of the law of the land, then the profession of it is a duty which the law should enforce; if Christianity is a part and parcel of our laws, *in such a sense* as to require the stopping of the mails on Sunday, the appointment of chaplains and the compulsory use of our Bible, then "whatever strikes at the very root of Christianity," as Lord Raymond said, as blasphemy, idolatry, Judaism, Mohammedanism, disbelief of the Trinity, Deism and all heresies; everything, in a word, which is contrary to Christianity, would be cognizable as an offense at common law. But I believe this ground has been abandoned, even in England, since 1825. The English doctrine, on this subject, was quite clearly brought out in the case of *Bohun v. The Bishop of Lincoln*, and in the trial of Richard Carlisle. I see no reason, if Christianity is a part of our law in the sense contended for by those who argue from thence, the duty of the State to compel the use of the Bible and to teach religion in our Public Schools, why it is not our established religion, and why men are not prosecuted for any violation of the second, third or tenth commandments. If the State may "enforce the fourth commandment," why not the third; and if the third and fourth, why not the second? For if Christianity, Protestant Christianity, is a part and parcel of the law of the land, then it is disobedience to the law not to believe in, profess and hold to its doctrines and usages; and, consequently, no idols can be worshipped in America, nor can a man profess anything that

is contrary to Protestant Christianity. But if it be said, if I am correct, then how does the State take cognizance of adultery, perjury and murder? I answer, because the seventh, and eighth, and ninth commandments are incorporated into our penal code, and thus provided for by our positive laws. It is here, and not in common law exclusively, not because Christianity is a part of the law of the land, that violations of these commandments are to be punished by our laws. And besides, the authority of the State to punish for the violation of these commandments, cannot prove that Christianity is a part of the common law, for these commandments are from the Mosaic religion, and this use of them would prove that the religion of the Israelites, and not Christianity at all, was a part of the law of the land. I am fully persuaded that this whole chain of reasoning is "a fair sophistry," and that our black letter judges have been misled by it through their prejudices in favor of English law and English decisions, which are strongly colored by the overshadowings of the great establishment, the Church of England. But even in England, no such use of this dictum is made as is desired here by my friends. The laws of England, I suppose, are statute and common, for the Constitution of England is a myth. The Statute laws, if I mistake not, date from the *Magna Carta* and the Statutes of Westminster; but who can tell when the common law began? By "ancient Scripture," Prisot meant, *ancient written laws* and not the Holy Scriptures, and, therefore, if his authority has anything to do with the origin of the common law among us, it tends to prove that common law is nothing but a sort of tradition of what was once Statute law. It is held in England, that the common law reaches back until the memory of man runneth not to the contrary. There was a time, then, when Paganism was the common law of the Anglo-Saxons. And in Prisot's time, the common law of Great Britain was the Roman Catholic religion; and now it is that of the Church of England, whose base is that the sovereign is head of the Church and not the Pope, and the Athanasian creed, which the pious head of the Church, George the Third, would never repeat nor respond to. Now, the Christianity that existed, as a part and parcel of the boasted English common law, prior to the Reformation, was the Christianity of the Roman Catholic Church; and yet this is *the* Christianity which is now to authorize us to compel Catholics to read our Bible and to repudiate their own? And still more, the distinctive laws in our codes which we have taken professedly from Christianity, are truly and in a higher sense essentially Judaic; and yet, instead of allowing the religion of the Israelite to be a part and parcel of the law of the land, in such a sense as to inure to his advantage, we call those laws Christian and use them to oppress the Hebrew.

We know what the religion of Turkey or of Russia is. We know what the Christianity of Spain is, so that as far as any common law is known in Spain, where in fact canon law and civil and military codes only are known, we should be at no loss to know what Christianity meant;

but with us, I ask again, *whose* Christianity is it that is a part and parcel of the common law? Is it the Christianity of the Presbyterian Witherspoon, or of the Puritan Adams, or of the Episcopalian Madison? Is it a Unitarian, or a Trinitarian, a Baptist or a Pedo-Baptist Christianity? This question must be answered, before this celebrated dictum can be received. This question must be answered authoritatively before there can be a single statute enacted to compel any Christian rite or act of worship. But this question our government cannot answer. Our organic laws are silent about it, and have imposed *perfect, absolute and perpetual silence on the subject*. Mr. John Adams, under General Washington, wrote to the Dey of Algiers, that "the Constitution of the United States is in no sense founded on the Christian religion." Now, if such a man as the Puritan Adams, at that time when the formation of the government was so recent, in an official paper declares that the *Constitution is in no sense founded on the Christian religion*, how can we, at this distance, venture to say to the contrary?

But I desire particular attention to be given to the judgment of Lord Mansfield so often referred to in discussions of this kind, for it is plainly misapplied. His real decision was that *the common law did not take cognisance of matters of religion, for that all such matters could only be proceeded with or against by positive laws*. We take his judgment as rendered in the House of Lords from Campbell's lives of Chief Justices, 2 vol., p. 390.

"There is no usage or custom, independent of positive law, which makes *nonconformity* a crime. The eternal principles of natural religion are a part of the common law; the essential principles of revealed religion are a part of the common law—so that any person reviling, subverting or ridiculing them, may be prosecuted at common law." From this it will be seen, that the language usually employed in reference to Lord Mansfield's decision is not given correctly, and that those who refer to it as authority for making laws to compel the use of the Bible or any form of Christian worship in our Public Schools, use it for a purpose directly the contrary of what Lord Mansfield held. The sentence just quoted above, Lord Campbell, the Chief Justice of Great Britain, says: "is the true sense of the often repeated maxim, that 'Christianity is part and parcel of the common law of England.'" And what that sense is, appears from the following sentences, in immediate connection with it, and from the very same paragraph of the original judgment. "But it cannot be shown, from the principles of natural or revealed religion, that, independent of the positive law, temporal punishments ought to be inflicted for mere opinions with respect to particular modes of worship. Prosecution for a sincere though erroneous conscience is not to be deduced from reason or the fitness of things. Conscience is not controllable by human laws, nor amenable to human tribunals. Persecution, or attempts to force conscience, will never produce conviction, and are only calculated to make hypocrites or martyrs.

"My lords, there never was a single instance, from the Saxon times down to our own, in which a man was punished for erroneous opinions concerning rites or modes of worship, but upon some positive law. The common law of England, which is only common reason or usage, knows of no persecution for mere opinions. For Atheism, blasphemy, and reviling the Christian religion, there have been instances of persons prosecuted and punished upon the common law; but here nonconformity is no sin by the common law; and all positive laws, inflicting any pains or penalties for nonconformity to the established rites or modes, are repealed by the Act of Toleration, and dissenters are thereby exempted from all ecclesiastical censures."

I have now extracted from this celebrated judgment of Lord Mansfield all that pertains, I believe, to the point in hand. And while every word is important, I press only the consideration that it is generally quoted to support a proposition which is directly opposed to Lord Mansfield's judgment. I leave it to those more competent, to whose profession it particularly pertains, to settle the question as to when and to what extent all the laws of England concerning religion were repealed in America—whether at the Declaration of Independence or at the adoption of the Constitution? But positive laws against nonconformity were repealed in England by the Act of Toleration; though offenses against Christianity are indictable still in England, at common law, which are not here. What, then, is the state of the argument? It stands thus: A dictum is plead, founded on Lord Mansfield's judgment, that "Christianity is part and parcel of the common law of the land;" and, therefore, the English Bible must be, by law, used in our Common Schools. The force of such reasoning I confess myself unable to see. If I understand the argument, it means, that it is an offense at common law not to use the Bible in our schools. And it means, that a teacher, whose conscience will not allow him, as an honest man, to read our Bible, is to be ejected from his place as a teacher in the schools. That is, for his religious opinions about our Protestant translation of the Scriptures, he is denied the pursuit of happiness and of worldly support, open to all his fellow-citizens, whose religious opinions may be in conformity with the Board of Directors. Now, this is not directly to subject him to pains and penalties, such as the Romans inflicted on the early Christians; but this is persecution for religious opinions—this is a civil disability for conscience's sake—this is doing just what Lord Mansfield said could not be done by common law even in England: "The common law of England, which is only common reason or usage, knows of no persecution for mere opinions." To apply this dictum to forcing the use of the Bible in our Public Schools, it is necessary:

1. That the Board of Directors be constituted supervisors of translations and judges of religious opinions; they must examine teachers on their religion as well as on their knowledge of grammar.

2. It follows, also, that some teachers must be hypocrites or be

ejected from their places. If they cannot read with a good conscience our Bible, then they are martyrs to the extent of the loss sustained by being denied their inalienable rights as to equality with other teachers in the pursuits of life and happiness, and the enjoyment of religious freedom.

The argument, therefore, from the common law, altogether fails to reach the point aimed at by my friends. "The essential principles of natural religion and of revealed religion," says Lord Mansfield, "are a part of the common law." "The common law of England is only common reason or usage," or, as Sheridan said, it is "the perfection of reason." Now, Christianity is something above, something more than "natural religion," something better than "common reason or usage." And although there is no contradiction between natural and revealed religion, between reason, common sense, and the Gospel when properly understood, still they are not identical; nor is there scarcely a moral precept or a usage common to Jews and Christians, that may not be said to be a part of the common law. In fact, so far as the reason, common sense, fitness of things and wise sayings of Greece have been embodied in the wisdom, laws and usages of our day, in just so far, we may say, the proverbs of Greece are a part of the common law. But does this admission authorize the Legislature to compel the use of the writings of Epicurus and Pythagoras in our Public Schools? The argument is only stronger *by degrees* when applied to Christianity, because we are and have been Christians; but the degrees of strength are increased many folds when it is applied to Judaism. The laws of Moses and the common law of the ancient Israelites, are a more prominent element in the laws of our country than the distinctive laws of the New Testament. Is it, then, a fair argument to say, that the religion of the Israelites must be taught by compulsory statutes in our Public Schools? My fellow-citizens, I rejoice in all that Christianity has done for us. We owe almost every blessing we have to it, and I earnestly desire to see it permeating and pervading the whole land; and the more its true spirit prevails, the better for us. But it is a mistake, a radical and dangerous error, to assume that Christianity, "Evangelical Protestant Christianity," is in *such a sense* a part of our common law, that the Legislature may show it a preference over Judaism or Catholicism. This is to do what Lord Mansfield said could not be done by the common law even in England. Our laws cannot show special favor to any creed; here all religions, in every sense, are on a perfect equality in the eye of the State.

It were, doubtless, premature to predict the final issue of this controversy in America, but I sincerely hope that the policy of the administration of our National Schools, will be settled on a sound and liberal and just basis, for it is only on such a basis that the public peace can be maintained, and the prosperity of the State permanently secured. If my positions are wrong, no one can desire more sincerely than I do, that the errors may be pointed out and avoided; but I do

not think the way to do this is to deal in personal invectives, nor in abusing foreigners and Catholics, nor in punishing and expelling such children from the schools, as the newspapers say, has just been done from the Eliot School, in Boston, because their parents would not let them engage in the Protestant religious exercises of the school. No, fellow-citizens, this is not "the more excellent way" by which to make good citizens and promote the well-being of society. This is fanaticism and tyranny, not the Gospel of the Prince of Peace.

X.

This battle already fought.

Yes, this battle has been fought before. All the pleas that I have yet seen for the compulsory use of the Bible in schools, if they are admitted, lead to an established religion. And whether a union of Church and State is desirable or not, is not the question now, for our organic laws forbid the bands. A glance over our previous chapters, especially the seventh, is sufficient to show that the prohibition of any exercise of power by Congress to establish any religion and the prohibition of any religious test, or of any hindrance to the exercise of any religious opinion, was not a mere accident. It was done on purpose. The reason why our fathers did not legislate for Christianity was not that they did not think of it. For the most part they were regular Bible made men. Their minds and habits were full of Christianity. This continent was discovered and colonized chiefly by men zealous for the propagation of their religious faith. In all the first settlements religious worship was in some form established. And Mr. Jefferson who was the great champion of religious as well as of civil freedom, says that the first republican legislation of Virginia, which met in 1776, was crowded with petitions to abolish the spiritual tyranny that existed in that State, and that these petitions "*brought on the severest contest in which I have ever been engaged.*" Our great opponents were Mr. Pendleton and Robert Carter Nicholas, honest men, but zealous churchmen."—*Foot's Virginia*, 326, Note 10, and *Jefferson's Works*, vol 1., 31, 32.

Again, he says: "The bill for establishing religious freedom, the principles of which had, to a certain degree, been enacted before, I had drawn in all the latitude of reason and right. It still met with opposition. * * * And the establishment of the freedom of religion could only be done by degrees." The act for religious freedom in Virginia was not passed till 1785, and then only by the great exertions of Mr. Jefferson and Mr. Madison, continued for at least ten years.

It is plain, therefore, that the framers of the Constitution were not

ignorant of the subject. Some of them wished to establish Christianity as the religion of the country, with toleration to all sects. Some thought if no provision was made for an established religion that public worship *could* not be kept up; and some were indifferent and probably thought the easiest way to extirpate the Christian religion was to let it alone. At least, it is perfectly plain, our fathers adopted the only practicable course for securing a union of the States. If a Convention of all the States of the American Union could not now adopt laws concerning religion, neither could it have been done at the period of the Revolution. The subject of religious liberty had long agitated the Colony of Massachusetts Bay, and the people of Connecticut and Virginia, Maryland and North Carolina. There was great jealousy and uneasiness, for many years on the subject, manifested in the religious bodies of the day, and in the Conventions of Virginia in particular, especially in the sessions of the General Assembly of Virginia at Richmond in 1784.

A very remarkable paper on civil and religious liberty, was drawn up in 1775, for the delegates from Mecklenberg, North Carolina, to the Provincial Congress. It was drawn up by Dr. Brevard, of whose grave no man knoweth, for his friends, the delegates, Polk, Avery, Pfifer and Alexander. The 13th article of this paper expressly directs them to vote for the establishment of the Christian religion, as contained in the Scriptures of the Old and New Testaments, and as explained in the Westminster Confession of Faith and the thirty-nine articles of the Church of England; and that this should be "the religion of the State, to the utter exclusion, forever, of all and every other (falsely so called) religion, whether Pagan or Papal!" And to oppose to their utmost, "the toleration of popish idolatrous worship."

The doctrine of the Mecklenberg delegates was, that the paramount authority of the Christian Religion was to be acknowledged as the religion of the community, and then that all its sects were to be on a level in political matters. They meant that the State should disown Infidelity, Judaism, Paganism, and the Papal Church, and avow Protestant Christianity as the religion of the land, and that all Protestant sects should be on an equality. This paper is remarkable in itself, and especially if we remember the time of its composition, and that there was little or no religious strife or persecution known in North Carolina prior to that time. Educated as the Scotch Irish colonists had been, it is not strange they were afraid of persecution from the established Churches of the old world. It is wonderful, however, that in the wilderness of Carolina, such religious principles should have so soon taken such deep root. And it is to be remembered, also, that these are the men who made the first public declaration in America in favor of Independence of the mother country by the constituted authorities of a State. Their declaration was adopted 12th April, 1776, and presented to the Continental Congress, May 27th, 1776, nearly six weeks before the Declaration of Independence by Congress. In this Convention of 1775, that proclaimed Inde-

pendence, there was one minister and nine ruling elders. "To North Carolina," says Dr. Foote, "belongs the imperishable honor of being the first in declaring that Independence which is the pride and glory of every American."

Now, why did not the framers of our fundamental laws establish Christianity as the men of Mecklenberg instructed their delegates to do? Why did they not adopt the religious establishment of Connecticut or Virginia, of New York or Maryland? If they had followed the Mecklenberg instructions, they would have done just what my friends argue they did actually do; although they (our fathers) have omitted to say one word about doing any such thing. The Cavaliers of Virginia and the Puritans of New England, agreed that a religious establishment in some shape was essential to the State. They, accordingly, provided for their own creed and worship, each in their own provinces, and drove from their borders, or prevented from settling among them, as far as possible, all dissenters. This they considered a necessary means of self-defense. The Scotch Irish colonists differed from the Puritans and from the Cavaliers in this, that they contended for the *religious liberty of minorities*. But in process of time, they all agreed to work together to maintain the Declaration of Independence of 1776, and to establish civil liberty under constitutional laws and perfect religious freedom, under the American Constitution. We conclude, then, that the Constitution does not recognize any religion, not even Christianity, and that this silence is proof that it was intended by our fathers to leave it to make its way by its own vital power without any sustentation from the State. And this was a happy decision, even if they could have made a different one, which we have found highly impracticable, if not absolutely impossible. As it was in the infancy of Christianity, when the Church contended with the giants of human power, endured every species of persecution, that it finally triumphed, so, in our country, the cause of religion has flourished without any State patronage, as well, to say the least, as in any other land with the help of Cæsar's sword, and treasury.

In this view of our previous history, it is begging the question altogether to say that, in not requiring, by law, the Bible to be read in our Public Schools, the Constitution and "spirit of American institutions is violated." As the Constitution and laws do not require this, of course they are not *violated*. It is not contended they command this to be done; all that can be said is, they may allow it, but certainly there is no violation. Nor is it true that, by not compelling the reading of the Bible in the Public Schools, the Word of God is *withheld* from the children. There is no prohibition to their using the Bible—*any Bible* they or their parents may choose. There is no inquisition into their homes, commanding them not to read the Bible; by no means; they may go to whatever denominational or sectarian schools they please on Sunday, or be catechized every day at home by their parents in their own religion. It is,

then, altogether misstating the points at issue to cry out against the monstrous wickedness of violating our Institutions by withholding the Protestant translation of the Scriptures from the youth in our Public Shools. There is no withholding; there is only this : we do not wish the Constitution and laws to be violated by doing violence to the consciences of our fellow-citizens. We regard a Public School with the Protestant translation of the Bible appointed to be read by law, as a *religious establishment*, and as a sectarian institution ; and, as such, it is contrary to the fundamental principles, and to the entire spirit and genius of American institutions. As we would have every human being believe in the great Redeemer, so would we have every man, woman and child in the world acquainted with the Bible. But we are not to do evil that good may come ; we are not to offend, against the Bible and our holy religion, even on the plea of advancing it in the world.

XI.

The silence of the Constitution.

The circumstances of our fathers, their surroundings, and the laboring elements of the times, were so peculiar, that it seems to me a very remarkable fact and one so highly significant that our organic laws are *silent* concerning Christianity or any distinctive protection to it as such, that I would have this fact distinctly remembered.

1. We have found that our Constitution and the Gospel recognize us as individuals, as members of society, and as immortal beings. And we see, also, that there are duties that rest upon us as individuals that cannot be performed by us in any other capacity. The first of these individual duties is piety. Nor is it possible for us by the performance of social or civil, or associated duties, to make a substitute for personal piety. Neither the family nor the State, nor the Church, can take our responsibility as individuals in the sight of our Maker ; yet, our personal religion may diffuse its odor throughout our whole deportment as members of families, and as citizens, and as professing disciples associated in the Church. But while a man may and ought to be all the more a better husband, father, citizen and church-member, because of his personal piety, yet there can be no exchange or substitution of his family, social or civil, or ecclesiastical duties, for his individual duties ; nor can his personal piety be received as an equivalent for his family, social, civil or ecclesiastical duties. Special obligations fall upon us in each of these conditions. Nor is there any conflict of laws in regard to our duties. They are in perfect harmony. And as to the issue in hand, religion being an individual spiritual affair, and the State being wholly a civil institution, we hold that the government has nothing to do with it, but to protect us all

alike in our religions. *Protection*, not discrimination, promotion or support—but simple and equal protection is all our government offers or professes to know on the subject of religion.

2. It appears, from the foregoing pages, that the attempt to prove that we must compel the use of the Bible in our Public Schools, because we are a Christian people, is an argument founded in part on truth, and partly in error. We are a *Christian people*, but the government of the United States has no religion. I do not here stop to inquire whether our fathers did not err in this matter or not,—but I have asserted it as a fact, that the United States Government has no religion. But, I am told, I am in error here, for “the Constitution, and civil institutions of the country, recognize Christianity—Protestant Christianity—as the religion of this great country.” In answer: 1. Let it be observed that I am speaking of the Federal government, and of the organic laws of the United States, and not of select men, nor of town councils, nor of the State governments. And if I am in error here, it can be easily shown, for the article in our organic laws, making this recognition, can be readily pointed out, if there is any such. But it is admitted there is no such recognition. The Declaration of Independence recognizes God, and Christianity by its date. But this is all, and this much every Pagan might do. In our treaties with Turkey and the Barbary States, the same thing is done, and yet, on their face, it is declared: “As the government of the United States of America is not, in any sense, founded on the Christian religion—as it has, in itself, no character of enmity against the laws, religion or tranquility of Musselmen.” This clause is quoted from the XI article of the Treaty with Tripoli, of 4th November, 1796, while General Washington was President, and at a time when surely the meaning of the framers of the Constitution was understood. “*The government of the United States of America is not, in any sense, founded on the Christian religion.*” And in the treaties of 1805, and afterward with Tunis and Morocco, it is said: “As the government of the United States has, in itself, *no character of enmity* against the laws, religion or tranquility of Musselmen.” Now, clearly, such language could not have been used if Christianity, in our government, had had any preference over the religion of Musselmen. It must also be remembered that treaties with foreign powers are a part of our fundamental laws. They are equal, in authority, with the Constitution.

Since then there is nothing in the Constitution that recognizes Christianity—not even the name or existence of God, or the doctrine of a future state—it must be a mistake to say, as my friends do in arguing this question, that our Constitution and laws acknowledge “the inspiration of the Bible,” “the Divine appointment of the Sabbath,” and “the oath administered on the Bible, and the name of God.” I repeat, I cannot find any such recognition whatever of the inspiration of the Bible in the Constitution of the United States. Not a syllable to this effect. If there is, let it be shown.

But it is said, we have a right to use the Bible in the Public Schools "because the Constitution does not interdict it." True, it does not, in just so many words; nor does it interdict the use of the Koran, nor prayers to the Virgin Mary. On this ground, then, American citizens have just as much right to use the Koran as the Bible. But is it a safe rule to claim the right to do everything that is not interdicted in words? And, does not the Constitution expressly forbid what necessarily includes the use of the Bible in the manner that I object to? The Constitution says: "No religious test shall ever be required as a qualification to any office or public trust under the United States." Now, if the Bible is to be read or used by law as a text-book in our Public Schools, how will this article of the Constitution apply? Suppose the case: Mr. B. is passed by the Committee of Examiners as in every way well qualified to take charge of a school, and then the President of the Board gives him a Bible, and says: Sir, you are to read a chapter from this book every morning,—with or without comment and prayer, as the case may be. But, Mr. B. says, my church forbids me to touch that book; it is contrary to my conscience to read it; I cannot do so. Now, what is to be done? clearly, the School Commissioners are requiring a religious test, and must either yield or deny Mr. B. his inalienable right to the pursuit of life and happiness in an honest calling that is open to his fellow-citizens, and not to him, because of his religious belief. Now, it is impossible to reconcile this with the Constitution and with the Federal government. And in the Amendment, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Now, is not the making of a law to use the Bible in Public Schools making a law respecting the establishment of religion in the schools? and does not such a law, as in the above case, prohibit the free exercise of religion? Language means nothing, if these Articles do not prohibit the making of any law that excludes any one from the Public Schools on account of religious opinions. Our government is one of limited powers; and, as no right to legislate for Christianity was yielded up to the General government, so we cannot assume the right to make laws in favor of our peculiar views of Christianity from the mere silence of the Constitution, and especially as, constructively, at least, all such legislation is forbidden; nay, it does seem to me to be not only by construction forbidden, but to be absolutely and expressly forbidden in the little that it does say, and its silence is tantamount to a positive prohibition.

XII.

Sunday, Oaths and Chaplains.

NOW is there in our fundamental laws a syllable that recognizes the Christian Sunday as a religious day, and requires it to be kept as

such, because of its "Divine appointment." If there is, I have never yet seen it. The Supreme Court and Congress do not usually have a sederunt on the Lord's day, nor is it usual for them to sit on Christmas, on the first of January or the Fourth of July. But Acts of Congress passed on Sunday morning, are as valid, I presume, as if passed on any other day. The Government mails travel on Sunday. The resting of Congress and the intermission of the usual course of business on the Lord's day, is nowhere that I can find, predicated upon the *Divine appointment* of that day. Our fathers, by continuing the observance of the Sabbath, meant, without legislating on the subject, to continue a necessary and most salutary practice, but they did not mean organically, to decide the controversy between Hebrews and Christians, and say that, the first day of the week must be kept as Sabbath, because of its Divine appointment. A majority of them were Christian men, and so believed; and all of them found one day's rest out of seven, necessary to health and mental vigor; but I apprehend not one of them intended to affirm any religious dogma concerning the Sabbath by continuing its observance. And that this is the true view of the Constitution on the subject, is proven from the fact, that there is nothing in the Constitution to prevent Congress from adjourning every Friday night—and re-assembling every Sunday morning, if a majority shall wish so to do. Nor is there anything in the Constitution of the United States prohibiting any State Legislature from appointing Friday, in the place of Sunday. Now, if our fundamental laws did recognize "the Divine appointment of the Christian Sabbath," surely, it could not be true, that any other day could be constitutionally substituted. Let it be distinctly understood, that I do myself believe in the Divine authority of the Lord's day as the Christian Sabbath, and earnestly desire to see it kept as a day of Holy rest and for Divine worship, but I wish to see it so kept from an enlightened conscience, and out of regard for God's laws, and not because of mere legislative decrees.

"The end proposed by compulsory legislation for the Sabbath," says my Reverend friend, whom I have already quoted in favor of my views, "is rather hindered than furthered by it. Men cannot be legislated into vital piety, nor sincere virtue. This can be done only by the power of truth, persuading their free choice. Force a man's action in matters of conscience and private judgment, and you close his heart against that persuading power. You put the insuperable obstacle of passion and prejudice in the only possible way of attaining the real and desired. Force the Catholics to read the Bible in school, and you take the surest means to exclude all its truths and holy influences from his heart. You shut yourself out at the same time. He will not hear you on the matter of religion. You have trampled on his conscience, and that he knows, as all know, true religion cannot do. Force an irreligious man to keep Sunday, and you have done what you can to make hate, and in his heart break

God's commandment requiring it to be kept holy. My own congregation diminished instead of increasing, during the brief time that the Sunday law was in force. Men met me in the street with the remark, "Perhaps you had better get a law enacted that we shall go to church! I am becoming more and more persuaded that if it be important that we should have a respected Sabbath in this State, it is important that the Legislature let the subject alone!" It is no doubt proper to have some laws concerning the Lord's Day as a civil institution—a police or municipal law; but great care should be taken in the making of such laws, lest they do more harm than good. And the people, as citizens, and their legislators, are entirely competent to attend to the making of such laws, without the assistance of Preachers, and Synods, and Churches.

The argument, then, for the compulsory use of the Bible in the Public Schools because we are a Christian people, since we keep the Sabbath, altogether fails in its application. We are Christian peoples not because our Government professes Christianity, and has made us like itself; but simply in the sense, and only because a majority of the inhabitants are nominal Christians. And for the same reason, and in the same sense, we are a Protestant country. But if a majority should become Roman Catholics, not a word, article, or syllable of our Constitution or organic laws, would have to be changed on that account. And if the Israelites should so congregate into any one of our territories as to have a majority, they might, if they so desired, establish their religion and usages, and yet with a republican form of government become a member of the Union. Now, if our fundamental laws did recognize the Christian Sabbath because of its Divine appointment, this could not be done. And if our laws recognized us as a *Protestant* nation, it would be impossible for us to become either a Hebrew people or a Catholic country without changing and amending our laws. But I do not see that such a change would do any violence to a syllable of our Constitution or organic laws. The recognition of Sunday is easily explained. A majority of the people believe it to be a holy day by Divine appointment. All nations in all ages have found one day of rest out of every seven, a physical necessity for man and animals. As a majority, therefore, at the formation of our Government, were nominal Christians, it was agreed to keep the Lord's Day as Sunday. But so far as our organic laws are concerned, a majority of the people of the State may make Saturday or Friday, or any other day, Sunday, if they wish. The popular recognition of Sunday does not, therefore, confer any power upon the Legislature to compel the use of our Bible in the Public Schools.

But it is said, again, we are a Christian people because our laws recognize an *oath*, and that therefore the Constitution requires, or allows us to compel, the use of the Bible. On this head much might be said, but a few brief statements must here suffice. It is a mistake to say that the Bible, or Christianity, is necessary to constitute a valid

oath. Even in England the oath of a Hindoo is as good as the oath of the Archbishop of Canterbury. The affirmation of a Quaker is as good as the oath of an Episcopalian or Methodist. And the oath of an Israelite is as good as the oath of a Baptist or Presbyterian. The practice in our courts is to swear a man by that which charges his conscience the most, and makes him feel most deeply his obligations to tell the truth. The Gentoo, the Chinaman, the Turk, or the Israelite, is permitted to choose whether he will be sworn as a citizen, or according to his religion. The Chinaman is, or was sworn by killing a cock, or burning a piece of paper. And when a man takes an oath simply as a citizen, there is no necessity to use the Bible or the name of God. The President of the United States, and the Governor of the State, and such officers, can take their oath or make their affirmation, without the use of the Bible, and without calling upon the name of God. The following is the form of the oath, copied from the Constitution, under Article II: "Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'" This is all the oath as prescribed in the Constitution. The oath of the Governor of this State is thus given in the Constitution: "I do solemnly swear, (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor of this State, according to the best of my ability." Members of the Legislature, and the officers, executive and judicial, take and subscribe this oath or affirmation. Nor is any other catechising as to whether by an oath they mean an appeal to God, or a belief in a future state, allowed. These things are left entirely to their own conscience. For the Constitution expressly says: "And no other oath, declaration, or test, shall be required as a qualification for any office or public trust." See sec. 3 of Article XI. The use of the Bible and the calling upon the name of God beyond what is implied in the word oath, though often used, are not then necessary to the validity of an oath. The Constitution does not require them. And even if it did, the name of God and the use of the Bible, would not decide anything peculiar and distinctive in favor of Christianity or Protestantism, for any Bible or religious book is as good for such a purpose as King James' translation. There is then nothing in our fundamental laws to prevent a Turk from being President of the United States, and a Brahmin from being Chief Justice. And the Governor of the State may be a Rabbi, and the Lieutenant Governor a Fire Worshipper. The Chief Justice of the United States is a Catholic.

Forasmuch as peculiar stress is laid upon the use of an oath in this discussion, I beg that the real point may not be overlooked. There may be local customs or statutes in criminal causes in which the forms of administering the oath are varied. But in all cases it is a

civil act. And the theory and practice of the Government is *that the oath be administered in the way and according to the manner that shall most thoroughly charge the conscience of the individual taking it to tell the truth.* This is the gist of all the authorities on the subject both in Great Britain and in this country. And our Constitution and laws are satisfied to have the oath administered in the way and manner that most fully charges the conscience with the fear of punishment for perjury. There is absolutely nothing to prevent a Mohammedan, a Buddhist, an Israelite, or a Deist, or even an Atheist, if he is a native born citizen and is elected from being President of the United States. *No religious test can be required.* And the oath of office does not require a recognition of the existence of God, nor the use of the Bible. It is, then, altogether an error, to argue from the ordinary use of the oath, that we are *organically a Christian people.* So far as our laws determine anything on this point, a Polytheist is as good as the Unitarian, and the Unitarian no better than the Trinitarian or absolute unbeliever. But even if our laws did so recognize a Supreme Being and a future state, as to deny the validity of the oath of a man who professed to be an atheist, it does not follow, that anything has been gained for the position that we are "*a Protestant Christian country*;" for the Gentoo and Turk believe the same and can take the oath as well as a Christian. And besides nothing distinctive in favor of a Protestant Christian can be drawn from such regard to an oath, for Israelites and Catholics are entitled to as full credit for their oath as the bluest Protestant.

But, again: "The Continental Congress opened its sessions with prayer, and it is our custom to have chaplains."

No doubt some of the members were pious, and really desired to have the sessions opened with prayer; and all felt that it was a decent and proper expression of regard for the religious sentiment of the people of the United States; but I do not believe it was ever contemplated by Congress that the election of chaplains was to be construed into a proof that the government, *as such*, knows any religion, or recognizes any creed. The present practice of having all sorts of ministers to officiate in rotation is in proof of this. Nor was any session of Congress ever opened with prayer because any article of the Constitution required it. Is it a Congressional act? May not Congress be regularly organized, and proceed with business *constitutionally* without an opening prayer? Where is the clause in the Constitution requiring a chaplain? The practice of Congress proves nothing more than that they have generally deemed the services of a chaplain a becoming respect toward religion, and a personal convenience or necessity. It no more establishes religion, or proves the organic Christianity of the government than the usages of the House in regard to their porters, or fires and lights, prove that the Constitution of the United States prescribes their personal customs and individual comforts. And, moreover, if it be so that this custom proves that we are "*a Christian nation, an Evangelical Protestant Christian nation,*"

what are we when a Unitarian, a Roman Catholic Priest, or a Hebrew Rabbi, opens Congress with prayer? Is there anything in the Constitution and laws of the United States to prevent the opening of the morning sessions of Congress by an Imaun reading a chapter from the Koran, or a high priest of Deism reading a chapter from the writings of Thomas Paine? There is absolutely nothing in the Constitution forbidding this, if a majority of the members of Congress (which may the God of our fathers in mercy forbid) should ever wish to have it so. It is plain, then, that there is nothing in the organic or fundamental laws of the Federal Government that recognizes or discriminates, and shows a preference for any form or kind of religion. But even if we grant all that is contended for, we deny the inference—namely, that the State has the Constitutional power to violate the conscience of a tax-paying citizen by causing a religious book to be used in the Public Schools contrary to the conscientious remonstrances of the teacher and parents.

I do not take the ground (as some have done in vindicating our government for not providing for the support of a religion, or in defense of our Legislature for not electing chaplains,) that the church and the closet are the only proper places for prayer; for it is no part of the duty of our government to provide a religion either for the people or for their legislators. In the sense of deciding what religion is, or of deciding which is true or which is false—and which, therefore, is to be sustained and which put down—the American Government knows no religion. It is not for the government, therefore, to pay any one for offering prayer or reciting a creed. The government allows every one to believe what creed he pleases, and to pray as much as he pleases, and whenever he pleases, provided he does not, on the plea of so doing, commit a trespass or become a nuisance. Every citizen, whether an office-holder or a mere voter, is to enjoy his own religion, or do without any, but the government does not undertake to support any citizen's religion; nor do I see how it is possible for a popular government, like ours, to occupy any other platform. We are a multitude of peoples, and of every kind of opinion, and, as citizens, all equal, and the moment any form or creed of religion is preferred by the government, that moment a difference is made, a preference is shown, which is directly contrary to our fundamental laws.

Nor is it true that our legislators and congressmen "represent the moral and religious status of their constituents;" and that, therefore, it is the first duty of a civilized people, in its legislative halls, to reverence the Deity, "and that, consequently, chaplains must be elected and paid out of the State treasury." Our legislators are not elected to represent our moral and religious status, but our civil rights, and our civil rights only so far as they have been surrendered to the Government. But among the rights surrendered there is no power given to the Legislature to make laws to secure the reading of the Bible. We do not vote for members to the Legislature on reli-

gious grounds. It is impossible for them to represent the morality and religious belief of their constituents. Nor does the Constitution give them any power over our religious status. Our legislators, then, have just as much right to take the people's money to buy their coats with as to pay a chaplain to say prayers for them. If a chaplain is needful, it is as a personal necessity, and not as a civil or legislative one. But this is not prohibiting the members of the Legislature from having a chaplain, provided they employ and pay him on their individual account. Nor is this hindering the members from being pious. God forbid. But have they not homes in which to pray, and may they not go to Church on the Lord's day, selecting their own place of worship? It seems to me just as necessary and as constitutional for the government to appoint a chaplain to every Court, and have every jury impanelled upon prayer.

But, then, it is argued, we must have a chaplain in the Legislature, in order to show that California is not altogether beyond the pale of civilization—that is, we must put the cloak of piety over the Legislature elect, and pay a man to pray for our lawgivers, in order to make our characters respectable abroad. I had supposed hypocrisy was a species of irreligion. Besides, I have yet to hear, for the first time, the charge from abroad that California is beyond the restraints of religion and morality, because there is no chaplain in her Legislature. I have heard that bribery, gambling and lawlessness had made us appear as a reckless, God-forsaken people; but I have never heard that we were disgraced for not having the prayers of our legislators said by proxy.

Some of the advocates of chaplains lament that there has been in our Legislature so much "disgraceful squabbling" over the election, and failure to elect a chaplain. And this is just one of the reasons why there should be no such election, and no such an officer known to the Legislature, as such. Has it ever been, or will it ever be otherwise than that political and partizan views should, more or less, control such elections? Those who have seen most, and thought most on this subject, admit that such elections have been mainly partizan movements.

But it is contended that the Legislature, in not electing chaplains, shows an impious disregard for the custom of other Legislatures, and for religion itself. Is this true? Has Virginia, or New York, or Pennsylvania, or Louisiana a chaplain? Is the House of Commons, or the Assembly of France, or the House of Lords, with its bench of bishops, opened with prayer? Is the Supreme Court opened with prayer? If not, is it an impious institution? So Dr. Cheever may consider it, but the American people and our laws have not so decided. And where and how is this kind of legislating away the people's money for religion to end, if we once begin? For, surely, if the Legislature must have a chaplain, so supported, our asylums, and hospitals, and state prisons have a much greater need for chaplains. For our legislators are supposed to be free, able-bodied men, who can attend church, while the inmates of our houses of mercy and correction cannot do so.

But it is said, and with some force, "the Federal Government may send chaplains with its armies and fleets, because it should provide the consolations of religion for all its servants, and that the minister of religion is as necessary as the surgeon." To deny this, seems indeed a great hardship, if not a species of cruelty. But there never has been instituted among men a perfect government. Some imperfection or defect is found in them all. If chaplains could be appointed equally acceptable to all, and without showing a preference for a creed or sect, then, perhaps, the army and navy could be thus supplied. But this is not the case. Thus far, almost all such appointments have been made from one of the smallest denominations in the country, and that, too, against the religious preferences of nine-tenths of the men in the army and navy. I do not profess here to speak with mathematical accuracy, but I believe I am very nearly correct. Is this right? Is it constitutional for the Federal Government to give such a preference to one of the smallest churches in the land? Is it constitutional to take the public money to pay a chaplain for religious services that are not acceptable to a majority of the rank and file of the army? I do not think so. If the majority of a regiment, or of the men on board a man-of-war, should elect a chaplain, then, possibly, the Government might make an appropriation to pay him, though I doubt whether this is constitutional, and I do not believe it the best way. I believe that the supplying of religious consolations to the members of our Legislature, and to the officers and men of our army and navy, according to our organic laws, should be left to themselves, just as it is to our merchant ships and to our frontier settlements—that is, to their own voluntary support. Our blacksmiths, police officers, Front-street merchants, lawyers and physicians all need the blessings of religion; but they must provide for their own individual wants. And, in the same way, I would leave the army and the navy and the legislatures, and I would do so the more readily, because the different churches and voluntary religious societies would then all stand truly on an equality, and hold themselves ready to help in furnishing such supplies. Suppose a regiment is ordered to the wilderness, let the men elect a chaplain and pay him themselves. Then they will be more likely to profit by his services. Or let a missionary society, by the vote of the citizen soldiers, be asked to send them a minister of religion. If the government appoints a Protestant chaplain, is it a disobedience of orders for a Catholic to refuse to accept of his services? I see nothing but difficulty and the engendering of constant sectarian feuds and bad feeling, if the Federal Government touches anything that is religious. It is useless, where we have Christianity divided into so many parts and sects, to talk of a common Christianity that all will accept. Chaplains must be of some church or other. The religious newspapers have been full of excited remarks on this subject for several years, and this is but the beginning.

The Rev. ———, writing to me on this subject, says: "Your

view of chaplains in the army, navy, legislature, &c., though entirely new to me, strikes me as correct. It seems to me that the church should keep the management of religious matters in her own hands, should do the work of religion by her own *voluntary* efforts. If the Legislature needs a missionary (of which there is not much doubt) and appears to the Church to present a promising field of labor, (of which there would be much doubt) the Church should station a missionary at the capitol to labor among the legislators, and should support him there if they refused to support him; and he should get the ear of whom he might and preach Jesus to them, and pray with them, just as the bethel missionary preaches to and prays with the sailors, or the foreign missionary with the heathen. So of the army and navy—so of every call for a Gospel minister's labors. *Ex-officio* prayers, I fear, are not very prevalent to the conversion of souls. The State never puts forth its hand to help, patronize or any way meddle with religion without turning it into a cold formality or heartless mockery. All religion should ask is to be let alone. All churches should ask of the State is freedom to wield the power of truth, and then should go among men armed with the might of the Gospel, to gain by that the ends which they have sought in vain to compass through petitions to the Legislature and political vigilance and activity.”

In conclusion, this whole train of argument (I say so with all possible respect, for the compulsory use of our Bible in our Public Schools, from the use of an oath and the precedents of Congress in observing the Sabbath and having chaplains,) is a perfect fallacy. These recognitions do not prove that the United States is a Christian country in such a sense as to authorize the making of statutes to compel the reading of the Bible anywhere, nor the observance of Sunday *because it is a Sabbath by Divine appointment..*

XIII.

The State not to teach the Bible anywhere.

Our Government has no Bible. It cannot make one. It does not profess to be able to choose one. It does not profess to believe in any. How then can it teach what it has not itself? We may wish it were otherwise; but such is the fact. *As a Government* we have neither Bible nor religion. The Koran, the Hebrew Scriptures, the Douay Version, the holy books of the Hindoos, are as much recognized in the administration of an oath as our Protestant Bible. No preference is given, farther than that ours is the most used, because we are at present in a majority. And as our government professes no religion—“is in no sense founded upon the Christian religion, and has in itself no enmity to Islam,” so it does not undertake to teach any religion. The Constitution neither gives the officers of govern-

ment a religion, nor does it require them to know any religion except to protect all alike. Nor does Christianity require the civil magistrate to teach religion. Our Legislature, consequently, cannot compel the use of the Bible in the schools. If so, then it is within its province to tell us which of all the books is to be the Bible, and to interpret the Bible for us. If the State may teach the Bible, that is, religion, anywhere, it may teach it everywhere—in the churches as well as in the school-houses. If the school commissioners may take the peoples' money to build public school-houses, where religious worship is conducted by their authority, then they may in like manner build public churches, and direct religious worship to be held in them. As to the argument, then, that "the State must educate all the millions of her children, and that the Bible must be the basis of that education, because it is the Word of God and teaches the true religion, and that this true religion is given from God for all mankind, and that no other religion is, and that therefore our laws must prefer and teach our religion," I answer: individually I believe that the Bible is the Word of God, and teaches the only true religion, and should be the basis of the education of our children, and should be known to all men; but, at the same time, these are articles of faith, which our government has never decided in favor of, nor adopted; and consequently, to take this position, is to assume the very points in dispute. And, moreover, if this argument is correct, then it is the duty of the government to teach the Christian religion not only to its children, but to its *adult* citizens, that is, to establish and support Christianity; and still more, if this argument is correct, then it is the duty of the government to become not only a "defender," but a propagator of the faith, and to employ its power to overturn all false religions, and make all nations receive the religion God has designed for them, and sent down from heaven for the whole human race. I see no possible limitation to this argument, if it be admitted to have a right beginning. By using the Bible I understand teaching religion, and if it be the duty of the State to teach its children the Protestant Bible, then the State ought to declare itself a Protestant and a religious institution. And if for the reason that Protestantism is the true religion, and our Bible truly from God, the State must build school-houses, pay teachers, and put our Bible into them, then I do not see why it should not build houses of worship, and put Bibles into the pulpit, and appoint men to read and preach the Word of God. Nor do I see, if this is correct, how the State can stop here. If this is correct, the government should send forth its fleets and armies with the Bible, and compel all nations to receive it, after the manner of the Kaliphs of Mohammed.

It is not, then, in my humble judgment an argument that belongs to this subject, to say, that we must compel the use of the Bible in our schools, because it is essential to a finished education. I admit it is. But then, a knowledge of Jesus Christ, as a justifying Saviour, is of more vital importance than a mere intellectual knowledge of the

written scriptures. And, if on the plea of the importance of the Bible, the State must teach it to its children, on the very same, it must teach Jesus Christ to its citizens. But surely our government is a civil, and not an ecclesiastical or a quasi religious sectarian institution. And I apprehend, the object of the act establishing the Public Schools was to have the children educated in secular knowledge, not to teach them religion. The State is not competent to perform a religious or sacramental act. The civil magistrate can perform a marriage ceremony, because the State regards marriage as a civil contract, and not as a sacrament; but the civil magistrate may not circumcise or baptize my child, nor administer the Lord's Supper. These are ritual services. And to the same class belongs the reading of the Bible and the offering of public prayer.

Nor is it true that schools cannot be governed, and secular knowledge successfully taught without the formal reading of the Bible. Is it true that the discipline of our schools is dependent on the simple reading of a few verses of the Bible? Is it true that secular learning cannot be well taught unless it is mixed with religious worship? If the children cannot be taught grammar without the catechism, how is the Minister to preach the creed without teaching secular knowledge? And if we put navigation, algebra, and the catechism on the same platform, then we should not ask the money of a tax-payer, who believes in another catechism, to support that school. If we do not think it right for our child to have to bow before a picture of the Virgin Mary, and say its prayers, why do we insist on compelling our neighbor's child to read or hear our Bible over his multiplication table? And besides, how is it that an education cannot be received without religion, and yet, that education without the Bible, leads to Infidelity? But I do not press this point; for we desire all men to read the Bible. We wish the education of every one to be saturated with its doctrines and spirit; but we insist that the Public Schools are not the proper place to teach the Bible, when there is objection on the part of the teacher or of the parents. The cabinet maker's shop and the Supreme Court room are important and proper places, but you do not go there to say your prayers, or to be taught your *credo*. The education contemplated by the State, is clearly a secular one.

And, moreover, I deny, unless with some qualifications the despotic tyrannical doctrine, that it is the duty of the State to educate its children. I deny that the State has any right to take my child from my arms and educate it without my consent. And I deny that it is the duty of the State to make the Bible the basis of its system of education. The Constitution does not make it the duty of the State to do so. Nor does Christianity ask or allow the State to become its agent in teaching the Gospel. All that Christianity asks of Cæsar is that he will just let her alone.

Now, I suppose all will admit the State cannot raise money by taxation to support a Protestant pastor. How then can it lay a tax to

support a reader of our Bible in the Public Schools? Can the State do indirectly what it cannot do directly? I think not.

But I am told that religion is the foundation of sound morals. So I believe; but I deny that the inference from this is, that, therefore, the State may levy taxes on citizens of all sorts of religion for the purpose of teaching any one religion. This whole idea of sending the children to the Public Schools to be taught religion is a fallacy—it is a novelty. They are not sent to the Public Schools for any such a purpose. When we wish them to be taught religious truth we send them to the Sabbath School, to the Church, to the priest or minister. And because good morals rest on true religion, are we to offer violence to our neighbor's conscience, or suffer our own to be oppressed? I have not so learned, either from the Constitution nor from Christianity. Nor is it necessary. For even when religion is not taught, as such, in our Public Schools, it does not follow that the children are absolutely without morals and religion.

If I send my son to study law with an eminent legal gentleman, or medicine with a medical man, or to be instructed in the trade of a blacksmith or a cabinet-maker, or in the working of a sewing machine, do I expect him to be taught religion? No; but I do expect him to be taught good manners and good morals, both by precepts and example, and his religion I expect him to get at home, and on the Lord's day, from the Sabbath School and the pulpit. When I put my son to learn a trade, it is the trade, and not the religion of the master I expect him to be taught. So I send my son to the Public School, which the State has established by raising a common tax, and I send him to learn to read and write and acquire secular knowledge, and not that he may be taught religion. I teach him to pray, and he goes from family prayers to the school, and I think religion can be much more effectually taught him at home and in my own church; and if I am not satisfied with these means, why then I can send him to a sectarian or denominational school, where the creed and ritual which I prefer are honestly and professedly taught.

I was much struck with the answer of the Israelites in New York, when recently called upon to say what objection they had to the reading of the Bible in the schools, they replied: We, of course, do not believe in your New Testament, but we have no objection to its precepts, and as to the religion of your schools we care nothing about it. *We will take care of the religion of our children at home.* I quote from memory, but believe I am correct. And I admire this answer: It is the declaration of good, law-abiding citizens, and it expresses a proper confidence in the influence of home, as the great seminary of religious truth. As to the deficiency of home-teaching, and of Sabbath Schools, and of the Church, I have something to say in another place.

This whole system of propagating the truth by legislation is a part of the corruptions that we have inherited from the old establishments of Europe. It belongs to an earthly and a sensual age. It is not found in the Gospel.



As the learned Jeremy Taylor says, the using of force by the civil magistrate for the advancement of religion, "came in as other abuses and corruptions of the Church did, by reason of the iniquity of the times, and the cooling of the first heats of Christianity, when the Church's fortune grew better, and her sons grew worse; for in the first three hundred years there was no sign of persecuting any man for his opinion, though at that time there were very horrid opinions propagated by professing Christians." It was nearly four hundred years after Christ before the secular arm was employed to promote Christianity. It was not thought expedient or consistent with the nature of Christ's Kingdom to build it up with carnal weapons. And if the civil magistrate has authority to teach religion and compel the reading of the Bible, because he is the civil ruler, then all magistrates in all nations have the same right, and we must turn Mohammedans when we are in Turkey, and Catholics when we go to Mexico; or, when Mexico comes to us and Catholics gain the majority on this Coast. But obedience to the civil magistrates is commanded in the New Testament, when they were heathen idolators. Surely Christian obedience did not then embrace matters of faith. Our Lord, though possessed of all power, did not put himself at the head of legions of angels, nor arm his ambassadors with civil edicts, nor did He ever compel any one by outward force to *hear him* or receive his doctrines. His apostles propagated His Gospel only by entreaty and persuasion. How, then, do we dare in his name ask the Legislature to compel men to keep His day holy or to read or hear His word?

XIV.*What Our Fathers Did.*

"A cake and a bad custom ought to be broken.—A French proverb.

Since writing the foregoing chapters, I have received a communication of thirty-one closely written pages, from a most excellent minister of the Gospel, in which he opposes my line of argument with great force. I consider Rev Mr. H's a most scholarly, gentlemanly, and able document; but still, not satisfactory. The main position of his arguments is, that our Constitution and laws are founded upon Christianity, and that they do favor and prefer, promote and sustain the Christian religion—that our "constitutional provisions were not intended to put the Christian religion on the same level with Mohammedanism." "To me," says he, "this idea is an impossible one." The proofs my friend offers are drawn from the history of the early settlers of this country, in which he finds evidence that they not only meant to protest against an established religion, like that which they had fled from in the old country, but to *establish Christianity*

without sectarianism. He argues, also, that liberty, and republican institutions, like ours, could never have been established without the Protestant religion, and that, therefore, our government "is in fact, though not in form, a Protestant, Christian government." He appeals to the charters of the Colonies, and to the commentaries of Kent and Story, and to Mr. Webster's speech on the Girard will—"his matured opinions in the very prime of his life." The result of his able and learned argument is, that, as Christianity is a part of the common law, therefore our government is a *Protestant* Christian government, and Congress ought to stop the mails on Sunday, and the Legislature ought to compel the use of our Bible in our State institutions, and provide Chaplains. A large part of my friend's communication I can admit, but I am not able to make the same conclusions. I have said all that seems to me necessary on the argument about the common law in my ninth chapter, and I have tried also to show that it was not merely to prevent such a union of Church and State as had led to the persecution of the first settlers of this continent in their father lands, but also to establish *perfect religious freedom and equality*, that our Constitution and fundamental laws were framed exactly as we find them. The reader will please keep in mind the seventh, tenth, eleventh, twelfth and thirteenth chapters; and, in order that this part of the subject may be fully understood, I repeat and amplify:

1. That there is a sense in which our institutions are founded upon the common law, and in which Christianity is a part of the common law; and yet it does not follow that our government is organically a Protestant Christian government, and that we may make laws to promote that religion, and thereby, and to that extent, discriminate and show favor to it, and hinder any and all others. It is clearly one thing to speak of the peoples of the United States as being Christians and Protestants, meaning that a majority of them are so nominally—that they have been made so by their baptism, and have so continued to be because they have not professed their conversion to Paganism, nor to the Hebrew faith, nor to the Church of Rome—and quite another thing to mean, or to infer from this, that the government of the United States is organically Christian and Protestant. This is not true. If the majority of the peoples of the United States are Protestant Christians, they are so not from any agency of their government. The government did not act as their accoucheur, nor baptise them, nor catechise them, nor confirm and admit them to the communion. Nor does the government require any *religious test* or make any inquisition into their faith. The government of the United States wholly ignores all the dogmas and rites of the churches, and of Christianity. The language and opinions and doctrines recognized in the Declaration and in the Constitution are such as Jews, Mohammedans, Catholics and Deists could all receive.

2. It is then important to distinguish between the popular teachings

of the day as to the Protestant Christianity of the United States, and the actual recognition of any such a thing by the Constitution and laws, and in doing this we find, that in the largest sense possible, religion is left by our government to be wholly an individual affair, between each man and his maker. It leaves the responsibility of faith and piety where it belongs—upon the conscience of individuals. Whether the peoples shall be Christians or not is left to themselves, and if they elect so to be, they must of their own free will support their own religious institutions. Our government provides no religion for any one anywhere, nor does it undertake to teach any religion either in churches or school-houses.

3. My friends all admit that such was the fierceness of sectarian strife at the time our organic laws were framed, that no one form of Christianity could have been established; but they insist, that really the meaning of the framers of the Constitution was to recognize and establish Protestant Christianity in preference to Popery, or Paganism, or Judaism. Now, if this was their intention, their meaning in the Declaration and in the Constitution should have been expressed somewhat in the following style: *We are, and of right ought to be, a free, independent, Protestant Christian people, and the Bible of King James is, and of right ought to be, the foundation of all our institutions, and shall be acknowledged as the Word of God, and Protestant Christianity is, and shall be, a part of the common law, and every thing contrary to, or inconsistent with these declarations, is null and void.* But that the framers of our Constitution did not design to make any such a declaration as this, is perfectly clear to my mind from the following considerations.

First. They were able, intelligent, honest, and brave men. They were in every way competent to have expressed themselves in this style, if they had intended to convey such a meaning. But they studiously avoided saying anything of this kind. Nay, they have said what I regard as positively forbidding any such a construction to be put upon their language. They did not mean, as I have already shown, to say that they *disbelieved* Christianity, or that they ignored Protestantism, or were in any degree indifferent to public morality and the piety of the people. By no means. But they did intend to ignore wholly any legislation on the subject, except to secure perfect religious equality and freedom.

Secondly. If they had meant to recognize Protestant Christianity, and show it favor, why did they not adopt the views of the Mecklenberg memorialist to which I have already referred? They were, then, not ignorant of the subject, nor could they have failed to attend to it through forgetfulness.

Thirdly. It is to be remembered that one of the grievances alleged against Great Britain, was the liberty allowed to the Catholics of Canada. It is also well known that in the New England States, our Pilgrim fathers were not altogether free from intolerance. It could not be expected that in fleeing to the wilderness from perse-

cution, for freedom, to worship God, they could all at once emancipate themselves from the thralldom of the old world. They were not able to come at once into the full light of perfect religious liberty. The same is substantially true of the colony of Virginia. How is it then that our fathers did not recognize any religion in the formation of our government? Why did they establish as a fundamental principle, *perfect religious liberty*? I answer, because they could not agree to do any thing else. The elements were many, and exceedingly antagonistic. The Catholics of Maryland; the Quakers of Pennsylvania; the Independents of New England; the Dutch Calvinists of New York; the Huguenots of South Carolina; the Church of England, in Virginia; and the Scotch and Irish Presbyterians of the Middle and Southern States—out of such a chaos, no harmony could be made. So exceedingly jealous were the various sects and churches, that even silence was not enough, and hence the amendment that Congress should make no law to establish any religion or to hinder its free exercise. It was impossible for the framers of the Constitution to have meant even while they did not express it, to recognize Protestant Christianity in preference to any other form of religion. Could this have been their meaning, and the Catholics and Deists, and Quakers, all have remained silent at the time?

Fourthly. While we rejoice that Washington and Adams, and Witherspoon, and a host besides, were pious men, still, we are not at liberty to incorporate their creed and individual views of Christianity into our organic laws. If we are not to go to Mr. Jefferson's private library for the meaning of the Constitution, neither are we to visit Mr. Adams' Puritan meeting-house, nor interpret it by Dr. Witherspoon's Presbyterian catechism and sermons, nor by Dr. Franklin's free-thinking essays, nor by the Confessional and Missal of Carroll of Carrollton. The private religious opinions and habits of personal piety of the signers of the Declaration and of the framers of the Constitution, are not the expositors of these great State papers.

Fifthly. Foreigners and posterity are the best interpreters of a man's works. And foreigners have always understood that our organic institutions did not recognize any religion at all. For many years, one of the standing charges against us in Europe, was, that we are a "Godless" "Christless nation"—that our "Constitution had no God." It was in part to answer such charges that Dr. Dwight of Yale College, and Mr. John Adams, wrote so much on the Constitution and the history of the country at the time. Mr. Henri de Courcy says, expressly, that it was owing to the paramount influence of France at the time, that our fundamental laws were framed without any recognition of religion. I have already said that Mr. Paine and Voltaire were popular at the time in the United States, and it will be remembered that perfect toleration in the widest sense—absolute religious freedom—for Pagans as well as all sorts of Christian sects, heretics and infidels of every hue was the favorite theme of both of these writers. And I have not a doubt myself but that

they and their followers thought the best way to put an end to Christianity in America, was to disconnect it wholly from the State. They regarded it as a species of Priest and King craft, and thought it could not live, if not supported by the State. And in this, as throughout the history of the Religion of the Bible, God makes the wrath of man to praise him. The very thing they wished done for its destruction, has worked for its greater glory. There is no doubt in my mind that our fathers were pervaded with Voltaire's idea of religious freedom. So great was the influence of France, that it was seriously feared for many years by some of the ablest men in America, that French Deism and Infidelity would overrun our whole country. It was natural that France should have a great influence over us at that time. Her Court was the most magnificent in Europe. Her sovereign was the *grand Monarchue*. Her scholars were at the head of the learning and science of the world. Her sons, with the generous Lafayette at their head, had stood with our fathers on the battle-field, their blood had mingled in the same stream, and their limbs had stiffened in the same snows, and their bones were mouldering in the same soldier grave. The ideas of toleration, and religious freedom that filled the minds of our fathers, were those of the philosophers of France. Not that our fathers, themselves, were unbelievers, but that, without giving up their own creed, they adopted the idea of perfect freedom to others. The most of them were dissenters from established Churches at home. They knew, therefore, that their Christianity could live without government patronage. They knew by painful experience that their faith could flourish not only without Cæsar's smiles, but in spite of his frowns. Their experience doubtless, made them the more willing to risk the existence and spread of Christianity in America, without any government patronage. They were willing to put it on "a level with Mohammedanism or Paganism." I cannot think, therefore, that "this is an impossible" or absurd idea.

And, *lastly*, we have already seen that, in our treaties with Tripoli and the Barbary States, while General Washington and Mr. Adams were Presidents, it is expressly stated that "the government of the United States is not, in any sense, founded on the Christian religion," and that "it has, in itself, no character of enmity against the laws, religion or tranquillity of Musselmén." This is the interpretation put upon our Constitution and laws in 1796 and in 1805, and that, too, by treaties which, with the Constitution, are "the Supreme law of the land." While, therefore, we rejoice in the piety of our forefathers, we believe it altogether wrong to infer, from their individual piety, that they made laws that were intended to enable us to legislate for Protestant Christianity in preference to any other religion. This is just what, it seems to me, the founders of the Republic did not do themselves, nor intend that we should ever do.

It may be true, then, that Connecticut did, by explicit laws, in 1656 and 1830, take care that all their children and apprentices

should be educated to be able to read the Sacred Scriptures in the English tongue; and, in some competent measure, to understand the main grounds and principles of the Christian religion, necessary to salvation; and it may be that Connecticut schools and the Bible were "one and inseparable," and that the object of the Connecticut school system may have been expressly "to teach the Bible," and so of Massachusetts and of some other States; but all this has nothing to do with the Public School system of our day. There were many laws in Connecticut that we do not wish to import to the Pacific.

In almost all, perhaps all of the colonies, religion was established by law. This did our fathers. Are we to do the same? Our fathers, in Europe, for a much longer time, have had to pay taxes to support hierarchies and monarchies. Ought we to do so? Some of our fathers hanged witches, drove out Quakers, and exiled Baptists, and persecuted one another to the stake. Are we to do so in California?

The authority of the magistrate over the conscience was so thoroughly a part of the education of our fathers, although they had the Bible in their schools, that it was only after many, many struggles, and through many long, and arduous, and eloquent debates, that it was expelled from our organic laws and from our institutions; and to no man, probably, does America owe her religious freedom more than to Roger Williams, the father of Rhode Island. In every country where the doctrines of the Reformation prevailed, the Church was made subordinate to the civil power, and, to a great degree, this is so to the present day. I do not know of any confession of faith or creed, framed by any of the great Reformers, which does not give to the civil magistrate a coercive power in religion. The history of the persecutions of Narragansett Bay and of Virginia, is a painful exemplification of the principles the early colonists of America had learned from the early Reformers, who had been taught by the Church of Rome. The burden of their song always was, that, at last, the magistrate must exert his authority to convert heretics and dissenters. "Penal laws, the *ratio ultima* of divines, were their most convincing arguments—their Achilles." See Bayle's Dic., Anab. And I believe it will be found that the Baptists were the first expounders of "absolute liberty, just and true liberty, equal and impartial liberty," as the immortal John Locke has expressed it. It is, at least, perfectly plain, that the piety of most of the early settlers of this continent was not the product of legislative favors, but in spite of them. What, then, is the state of the argument from the practice of our fathers? Why, if they have done wrong for years in oppressing Quakers, Israelites and Catholics, by taxing them to support schools for the teaching of their own religion, it is high time we should be more liberal and just. "If a man has sinned, let him repent, and do so no more." And as to the compulsory use of the Bible in the Public Schools, what can we learn from our fathers for the last two hundred years? Why, we must remember this, that our Public School system is not yet fifty years old, and that the schools of our fathers, previous to the present Pub-

lic School laws, were properly parochial or denominational schools. The school-house was built hard by the meeting-house or church, and was in charge of the head men of the church. The parish and the school-district were identical. The same presbytery or council that instituted the pastor, appointed also the teacher, and the same proprietors that furnished the manse and the globe, provided the school-master with his house and his garden. With a few local changes or differences, this was the school system of our fathers. In such a parish school the head boy might be required to say grace over the dinners of the whole school at noon, and the catechism be recited before the dismissal in the evening, and the Holy Bible be a textbook. In these olden times, the people of such districts were not much traveled or mixed up. They were nearly all one mind as to the Catechism, the Bible and Sunday. There was but little, if any, dissent as to the usages of the school. If the Episcopalians of Virginia have driven out all Presbyterians, Puritans and Baptists, or prevented them from settling in a parish, then they may have a district school and teach the Prayer Book. If the Puritans have hanged the witches and exiled the Baptist Williams, why may they not have a school, hard by the meeting-house, in which the whole Saybrook Platform shall be taught; and if the Presbyterians have rid themselves of all who do not believe in Calvin and Knox, why may they not teach the Westminster Confession of Faith? The schools of our fathers, "of the last two hundred years," were substantially parish schools, in which there was so little difference of religious opinion, that the Bible and Catechism could be taught without any serious objection. Our times and circumstances are wholly different. Our Public Schools are State institutions. Their Superintendent is elected by the whole State. They are supported by taxes from all sorts of citizens. There is no joint management of them by the churches and by the magistrates. Their control is wholly without the parochial governments of any or all the churches. They are altogether on a different system. They are our National Schools, and should be conducted on the principles of the Federal Government, as to religion. There was but little difference in the schools of our colonies and of the early days of our States. The district schools of Maryland were Catholic parish schools, and so of the Dutch, and the Quakers, and the Presbyterians. The same idea of proscription and of preventing dissent, and of preserving perfect religious unity and conformity, pervaded, to some extent, all the colonies, from Massachusetts to Florida. In the New England States, no one was admitted to the freedom of the body politic who was not a member of the churches within their limits, and their idea of a Republic was, that it should be after the Jewish model, in which the laws of Moses should constitute the rules of civil life. *And yet, if Moses himself had lived among them, they would not have allowed him to be a citizen.* They admitted of no dissent. The popular cry, therefore, that we owe this proscription to "a foreign power,

which never had the Bible in its own land," and that, if we do not compel the use of our Bible in our Public Schools, we are committing a great outrage on the memory of our fathers, is altogether misplaced, or else it is a two-edged sword that I do not wish to use, either against the opposers of my religion, nor in my own defense. There is nothing in the laws made for us by our fathers that authorizes us to compel, by law, the use of sectarian books in our Public Schools; and as, since the days of our fathers, the Public School system has undergone a radical change, their example is not a binding precedent for us. Let us thank God for their faith and piety, and for the patrimony of civil and religious liberty, which they have bequeathed to us, and, like them, let us teach our religion to our children in our families, and in our church-schools, and in our great congregations. Let us use the Bible and the Catechism as they used them, but let us so use them as to do no violence to the rights of our neighbors. And, in pressing this argument, we should remember that there were other fathers besides the Pilgrim Fathers, who settled this continent, and that their children may also have some affectionate tenacious memories. Have not the peoples of this Coast had many fathers after the flesh? Who, then, are the fathers we must follow? Nor is the usage of the States uniform on this subject. Very far from it. In some of the largest States the Bible is not used at all; and in some of the largest cities both versions, the Protestant and Catholic, are used.

XV.

Our Translation Sectarian.

"Veritas odium parit—Truth often causes hatred."—*Latin Proverb.*

It is conceded on all sides that much of the merit of this controversy rests on the character of our Protestant Bible. And the main question is, *whether it is sectarian or not.* Those who urge its compulsory use say it is not. But in assuming that our Bible is not sectarian and that it is the best and only faithful translation into English, it seems to me they assume almost everything in dispute. The question is not as to whether the original scriptures are sectarian, but as to our version. And the real question here is not as to the excellence or faithfulness of our version as compared with any other. This is a controversy our government has not recognized. Nor do I believe it can do so. It knows no Bible. Its officers from the highest to the lowest may be elected, enter upon and perform all their official duties without the use of a Bible, or even the acknowledgment of the Christian religion.

Now what is a sectarian book? The term "sect" we are told

means "cut off," "separated from the main body." In ecclesiastical history it means a party "cut off" from another body by or on account of some peculiarity of creed, and being the minority, this party are heretics, and the majority Orthodox or Catholics. The term sect, or heretic has then no terrors for me. These terms originally had no evil meaning in them. The Greek word for heretic, signifies *I choose*, and was applied to one that thought for himself even if he was obliged to differ from others. In Catholic countries all who do not believe in the church of Rome are called *heretics*, just as in England, all who do not belong to the established church are *dissenters*, which is only a little more polite way of pronouncing the word *heretics*. We have only to find a majority, and then the minority are always sects, heretics, and dissenters. "The heresy of the Nazarenes." "The sect everywhere spoken against." When Abraham called of God went out from Ur of the Chaldees, he became the leader of a sect and the father of a chosen race. He was, then, the *sectaririst* in contradistinction to the rest of mankind, and the call that separated him from the majority was a *sectarian* call. In relation to the whole human race, all Christians are sectarians, "cut off," "separated," by belief, from the largest half. And in relation to Christendom, all Protestants are sectarians, a smaller half or part of the Christian world. Then, both Protestants and Catholics, and so also Heretics, Pagans, Mohammedans, Hindoos and Budhists, are "cut off" and cut up into sects. There is no end to this cutting off and cutting up. Since the diet of Spires, I had supposed it was the distinctive glory of Protestants that they were a sect, having protested themselves out of and cut themselves away from the Papal Church. And so, also, it seems to me their distinctive translation of the Holy Scriptures is just as much a sectarian book as the Protest of Spires itself, or the articles of the Synod of Dort, or of the Church of England. Now, there was a time when the Original Scriptures, the Hebrew Bible, was in a strict sense Abraham's sectarian book, teaching his peculiar doctrines and rites in contradistinction to the heathen; and the same thing is true of the Greek New Testament in reference to the Pagans of the early ages. And so, now, our Bible is a sectarian book in contradistinction to the Koran, and just as truly so also in reference to the Bible of the Israelites, and of the Roman Catholics. Our Bible has *more* than the Hebrew's, but *less* than the Catholic's. Our Bible may be in every iota faithful to the original, and yet it is essentially *Protestant*, as compared with the Holy Books of the Israelites, and also as compared with the Catholic's Bible. The Catholic has the Apocrypha, which we have not, and his translation differs in many places from ours; and, in the laws of our country, no difference is known as to these versions, they are all wholly ignored. It is, then, simply begging the whole question to say, that our Bible is the faithful translation, and must, as the Word of God, be put into our Public Schools. I believe in the superiority of our translation, and wish no other, but I deny that we have a constitu-

tional right to assume, in this controversy, that our translation is the Word of God and that the Catholic's is not. If our version were subjected to the vote of Christendom, a very large majority would decide that it is a sectarian version, just as we consider the Douay; and a majority of Christendom would vote in favor of the Douay and against ours. The Prussian Government has declared the Lutheran version to be sectarian, (and ours is not less sectarian than Luther's,) by requiring it to be used by the Protestant children, and the Catholic version by the Catholics, and the Old Testament by the Hebrews. The same course is pursued in Baltimore and other places.

Now, what is a sectarian book? Is it not one that teaches the peculiar doctrine, policy and forms of worship that distinguish a denomination? And is not this just what we, Protestants, say our Bible teaches, and are we not so confident of this, that we are willing to give up all comments and leave out altogether the traditions of the fathers? It may be true, that in all this it is faithful to the original, but that is not the question. It is *our* version and the use of it that distinguishes us as Protestants, and this use makes it a sectarian book. Why, there was a time when a hat made a Quaker, and a coat a Methodist. They were sectarian badges. And was not our translation made by the special command of a Protestant King? Was it not prepared and published professedly as "an antidote to Popery;" and is it not for this very reason, that Protestant Bible societies and missionaries are so anxious to get their translations into Catholic countries? I confess, I am amazed that it has ever been denied that our English Bible is not Protestant in opposition to Romanism, and in that sense sectarian. And yet we ask the Catholic to allow us to teach it by law to his child. Now, so far as our organic laws are concerned, the Catholics have just as much right to call their version, the Word of God, and to force upon us prayers to the Virgin Mary and the whole Missal, as we have to call our version the Word of God and force its reading upon them. Nor does it help the matter to say, that our version was begun *before* the Reformation and was in part the work of Wickliffe, who was a Catholic, for we all know that the Catholic Church never approved of his labors. Nor is it true that it cannot be sectarian, because it was made before there were any sects; for it was made by sectarian divines, and by the special command of a sectarian King, and for an avowedly sectarian purpose. Did a single Catholic help to make our translation? Was it not for the purpose of helping forward the Reformation from Romanism that it was made? And is it not the settled conviction and boast of the Protestant world, that they owe their great strength to this very translation? Is it not a much cherished saying among us, "The Bible only;" "The Bible, the whole Bible, and nothing but the Bible." Is not Chillingworth's celebrated declaration an article of our faith, "*The Bible is the religion of Protestants?*" It is quite enough, without any reference to the merits of the translation, to make us call it a sectarian Protestant book; that we, as Protestants, are distin-

guished for its use, and hope to make others Protestants by inducing them to use it. I am for full-faced honesty on this question.

But, I am told, our Bible cannot be a sectarian book, because "sectarian books are of human origin," but our translation is just this and nothing else. Some Catholics believe that the Vulgate translation was made by inspiration, but I have never yet heard of any Protestants who believed that our translation was made by the Holy Ghost. No. It was made by uninspired, erring men. It was not written as were the original Scriptures, by holy men of God moved thereto by the Holy Spirit.

I believe, with the learned Selden, that our translation is the best ever made, but still so far as the Presbyterian Church is concerned, the English version is not the standard of last appeal, but the original Hebrew and Greek. And so far as our organic laws can recognize such subjects, has not the Deist or the Israelite a right to call our Bible a sectarian book; and has not the Catholic just as much right to call our version sectarian as we have to call his a Romish book? It is strange to me, that my friends can say "The country is Protestant, the Declaration of Independence, the Constitution and the government are all Protestant," and were made so by our Bible, and yet our Bible is not sectarian! They even ask with horror, "Is God a sectary? Is His word to be limited to a sect?" I answer NO. God is the Father of all men, and his Word is for all men, and yet there are many different views of the Divine character and many professed revelations of His will, and several different and contradictory versions of the Holy Scriptures, and the differences of these versions are sectarian differences. The Bible reveals the will of God for our salvation, and all men are invited to come and drink of the water of life freely. It is adopted to man's spiritual wants. But has our government ever said, or have we a right to claim that it ought to decide that these predicates belong to *our version*, and not equally to the Catholics? I think not. The Word of God is his gift—a blessed "heritage to poor suffering humanity," but when we come to translate it and are divided into sects and churches, which are distinguished by using different translations, then and for the reason of this distinctive use, if for no other, these translations are all sectarian. The Messiah is God's greatest gift, yet some deny him, and are thereby distinguished as religionists from those who believe in him; and among those who believe that Jesus is Christ, there are many different views held as to his character, mediation and kingdom, and these views constitute the essential differences of many conflicting sects. And the summary of what a Trinitarian or a Unitarian, a Methodist or Congregationalist, believes concerning Christ is sectarian. And precisely so the translation of the Holy Scriptures that is prepared for or is used by any number of professing Christians, and rejected by another part, especially if the latter part be a majority, is a sectarian book. Will any one deny that the Baptist version in which baptize is rendered immerse is not

a sectarian translation? And yet they tell us that this is the original, and that their version is the Word of God. Must we therefore have it in our Public Schools? To say then that our Bible is not sectarian because it is the Word of God and teaches the true religion may be a very comfortable assurance to us, but is it a fair argument with the Catholic, or a logical answer to his scruples of conscience when you wish to compel his child to use it?

Our Creator is not a "sectary," nor is His revealed will sectarian in itself, but our understandings, interpretations and readings of His character and will are sectarian. Plato's laws translated are in a measure Plato's laws; but if philosophers were divided into two great Platonic schools, and each school had its own translation and would not use the other, then, although these translations might in the main be faithful to the original, or if one was much better than the other, yet both would be sectarian; and if the government in teaching its youth selects one, then and in that it prefers it to the other, and cannot be said to treat both alike. Now, instead of Plato's laws and two philosophic sects, just substitute the Bible and Catholics and Protestants, and the case is parallel. It is impossible for a syllable of legislation to be uttered for either version, without violating our radical principle of perfect equality and preference to none. Our blessed Creator is not sectarian, yet the different views that mankind have of His character and of the revelation He has made, and of the worship He requires, divides our race into sects. It is just this that makes the difference of all the religions that are in the world. Surely, then, it is not irreverent to take the same view of His revealed will. Our first parents were not sectarians as to races, and yet the African Eve is black, the Malay's copper, and the Caucasian's white; and each contends that his picture is faithful to the original.

We have found above that there is a legitimate sense in which even the original Scriptures are sectarian; but we are speaking of our translation, and must believe that we should honestly avow it to be Protestant. Nor does this in any way diminish our reverence for it, but greatly increases our faith in it. Our blessed Lord himself is variously apprehended by different denominations, and these apprehensions of His character are sectarian. Suppose we have the Gospel of John illustrated with a picture of John the Baptist immersing Jesus in the Jordan, or baptizing him by pouring, would not both of these be sectarian copies, although the memoir should be the same, and the lines of the picture and the features of his face the same? I fancy it would be decided at once that New Testaments with such pictures would be sectarian books. Suppose there was a picture of Christ in the Church of the Holy Sepulchre in Jerusalem, and that Catholics had a copy and Protestants had another copy, and that for the most part they were just alike; but that still there was such a difference, that Catholics would not look at the Protestants', and Protestants would not look at the Catholics', and that for several centuries there had been great strife between them about their pictures, as to which was the

best, and as to the proper manner of exhibiting them, and that these views and distinctive uses of their respective pictures constituted denominational differences;—and would it not be conceded that these pictures are sectarian? And if the government should interfere and say the Catholic picture is the best, and shall be hung up in all the Public Schools, and should levy taxes upon Protestants to build schools to put this picture in, and to pay teachers to show it, what would my friends say to this? Nor have I any comfort for them, except that of the dying eagle, whose agony was only the keener from discovering that the arrow that pierced him was winged with his own feathers. The only safety is keeping the question out of the hands of the Government. We ought not to ask it to decide the controversy as to whether our picture is the best copy of the original or not, nor to show any partiality to it. And just so it is with the different versions. They may or may not agree in essentials, but they all profess to be faithful to the original, and their several adherents believe the version they use to be the Word of God; and, it is just here—just because our civil authorities cannot themselves decide, nor call a council of the churches to decide between translations, that I do not see how it is possible for the State to put any Bible by law into the schools. It cannot decide which translation is the Word of God. Nor is this a visionary difficulty. It is well known that the question of revising our received translation well nigh caused the dissolution last year of the American Bible Society. And it is also well known that British Christians are divided on this subject, and that the Baptists of this country are making a new translation. And the Scriptures used in the Episcopal Prayer Book are not the same in many texts that we have in our Bibles. They use a different rendering of many verses, and in the communion service quote from the Apocryphal books apparently with the same reverence with which they use any of the canonical books. The Episcopal rendering of the Decalogue is not after our Bible, and the Ten Commandments in our version is essentially different from the Douay.

Now, I am not here saying who is right or who is wrong. I am not here passing sentence upon any body; but I ask you my fellow citizens to look at the practical workings of any statutes that shall compel the use of the Bible in our schools. Practically, the school directors would have to become a high court of translations and make a choice between the Catholic and the Protestant, and between the Baptist and the Pseudo-baptist, and between the rendering used in King James' Bible and the Episcopal prayer book, not to say anything of many other versions. I repeat again, and again, according to the organic laws of our country, the government cannot decide such a controversy. It must adopt and equally favor all versions, all Bibles, and even the Koran, or it must ignore them all, and protect each religionist in the free exercise of his own religious opinions, but promote or favor none. The moment the law decides for this or that translation, that moment the principles of perfect religious equality and freedom are violated.

But I am all wrong say my friends, "for the word of God is no more sectarian than the atmosphere that is omnipotent, translucent and vital." But, is there not both oxygen and nitrogen in the air? And is it not salubrious, or unhealthy, according to the locality or medium? The atmosphere of the hospital is not like that of a flower garden. The Word of God is not sectarian, as it came from the eternal mind, but as soon as it is touched and apprehended by a sectary, and in the degree that it is adopted by him in a sense different from that put upon it by others, in that same measure, does his apprehension or rendering of it become sectarian. The fountains of the water, seen in Saint Ambrose's angelic vision, "was sweet and good," but when the water unchanged, was poured into "six vases of crystal, in every case, it put on the figure of the vase."

As then our government cannot know me as a Protestant, nor my neighbor as a Catholic, or as a Deist, Turk or Israelite, so it cannot interfere between us and chose either of our holy books, much less can it adopt our Bible and command it to be read, and the "entire teachings" and "facts" of our Protestant Christianity to be taught in our Public Schools. This is to make them sectarian and religious institutions, which cannot be done.

XVI.

This Question a Political Shibboleth.

A woodman came into the forest to ask the trees for a handle for his axe. This modest request was agreed to, and the plain, homely Ash was to furnish it. No sooner, however, was he furnished with the handle, than he began felling the noblest trees in the wood. Upon seeing which, the royal Oak whispered to the lofty Cedar, "The first concession has lost all."—*Æsop*.

BURKE has said that "the cause of civil liberty and civil government gains as little as that of religion by the confusion of their duties. Those priests who quit their proper character to assume what does not belong to them, are, for the most part, ignorant both of the character they leave and of the character they assume. Wholly unacquainted with the world in which they are so fond of meddling, and inexperienced in all its affairs, on which they pronounce with so much confidence, they have nothing of politics but the passions they excite." Certain it is, that party politics and the Bible have but little agreement. Nor is it strange that some of the worst administrators of civil affairs have been religious fanatics. I believe the history of our race will show that the most cruel governments have been in the hands of the sacerdotal orders. This is true of Egypt, Assy-

ria, Phenicia and Gaul—of India, ancient Mexico, Thibet and Tartary, and of modern Europe, when governed by the Church. The most enervating superstition and inexorable despotism of antiquity were under sacerdotal governments. It has been under such that the human mind has been the most oppressed and the human race the most enslaved. And as the sphere and duties of civil government are, with us, separate and distinct from those of the Church, so I look upon it as a great evil, that any question concerning the Bible or religion should, in any way, be made a rallying cry in party politics. If I have apprehended the true nature of this controversy, it is a sectarian one, and is rapidly becoming a political one also.

The New York correspondent of a San Francisco paper begins an article in this style:

"EXCLUDING THE BIBLE FROM THE PUBLIC SCHOOLS is got up to aid the election of another set of officers, whose duties, if elected, have no more to do with the subject than with the conversion of Japan. * * And yet the papers are filled with inflammatory appeals, as if a new crusade against the Bible in the schools had been got up, in order to place the financial department of the city government in the hands of a particular set of individuals. Anything that will divert the attention of the people from the personal character for honesty and fitness of the candidates, is countenanced and kept alive by their supporters. And so the city is misgoverned, and fraud and dishonesty flourish in most of the bureaus of its government."

This is the testimony of an eye-witness of things in New York, and of one whose preferences are for the Bible in the schools. From this writer we learn there are two hundred and seven public schools in the city, and, in all of these, but twelve in which the Bible or extracts from the Bible are read and prayers offered; and yet, for the sake of the twelve, this subject is made the test of parties at the polls. Observe, also, the motives to which he ascribes this crusade, and what he says of the corruption and fraud of the city government, notwithstanding the Bible-reading and praying in so many of its schools. Yes, fellow citizens, this is just the serious part of the matter, that if you open this subject for legislation, you carry the Word of God to the polls, and make it a political, sectarian and partisan cry. Do you wish this? I am persuaded you do not. The duty of our government is to protect every religious sect in the full exercise of their several modes of worship, and in the free belief of their own creed, but giving preference to none. All are left equally free to support any and whatever church, or none at all, as they may think best. This is the only way to prevent invidious distinctions, and to secure peace among the various religious sects, and to keep religion distinct from the turmoil of politics. For any law that should require our Bible to be used against the conscience of a teacher, or of a tax-paying citizen, would be regarded as illiberal, unjust, unconstitutional and oppressive, and contrary to our avowed

principles, and would, in some measure, become a subject for discussion among candidates and voters. It cannot be denied that God's Holy Word has been used as a watchword, and that banners have been borne in political processions with the mottoes—"We wont give up our Bibles!" "No Popery!" "No foreign Jesuits to rule America!" and the like. This I consider an awful degradation of God's Revelation, and fraught with much greater evil than all the good that can be reasonably expected from victory at the polls, under such influences. This is making the Word of Life and Peace, a firebrand and the torch of war. And all this, too, in our age of progress, and of toleration, and of good sense—in an age when Israelites are admitted to the Imperial Parliament, when Catholics are emancipated, and when a Prince of Wales pursues his studies under the shadow of the Vatican, and Guy Fawkes and "the blessed martyr Charles I," and "the most religious king Charles II," are blotted from the calendar, and Orange-men and Ribbon-men are no more. Why, it almost seems to me, that, while they are going forward in our great fatherland, we are going back in America.

One reason why I would not have the Bible a political watchword, is this: *all political power is fluctuating.*

An Administration may seem to be most firmly established; and yet in a very few years, or in a generation at least, it may be wholly changed. Are we then, every two years, or every four years, to have a religious element cast into our elections? God forbid. And if a majority say this year, put the Bible in, what if a majority should say, two years hence, take it out? What if they say, read King James' Bible this year, and two years hence, say, read the Douay Bible, or the Mormon Bible? My fellow citizens, I beg you by every consolation of our holy religion, and by every right you possess as American citizens, let not the men of Bethshemesh touch or look into the holy ark of your God. The moment you let the civil authorities assume the control of your conscience or the religious education of your children, that moment you put in peril every thing that has made America a great and free country. The allowing the Legislature or the School Commissioners to say one word to you about religion, or to tell you where and when to read your Bible, which is but the concrete of all you understand religion to be, is the concession of a handle to the axe. The plain ash may furnish the handle with which both the oak and the cedar are to be felled to the ground. And not only so, but in the proportion that your creed or Bible is thus favored by the government, in the same degree is its strength, its purity and influence, diminished or put in peril. If religion has, as I believe, more influence over the American people than over any other, it is mainly owing to the fact, that there are fewer prejudices against it from associations with political power. Such associations are always onerous and enfeebling. As laws, constitutions, and political parties, are mutable, and liable to ceaseless agitations, and as in the proportion that any system of religious faith may be allied with them, so will it

be damaged by the prejudices attached to them from age to age, so am I perfectly sure that the more free our Protestant Bible is kept from all dependence upon any institution that is supported by the State, so will its power over the American mind be increased. "If," says De Tocqueville, "the Americans, who change the head of the government once in four years, who elect new legislators every two years, and renew the provincial officers every twelvemonth; if the Americans, who have abandoned the political world to the attempts of innovators, *had not placed religion wholly beyond their reach*, where could it abide in the ebb and flow of human opinions? Where would that respect which belongs to it be paid, amidst the struggles of faction? and what would become of its immortality in the midst of perpetual decay?" And it is just here, and for this reason, and because of the infinite preciousness of our faith, that I would not for my head, put our Protestant Bible into the midst of the struggles of faction. It is too precious a thing to be wedded to change or decay, or to political corruption or favor. I would to God I could succeed in opening the eyes of every American citizen to the danger of touching this subject by the government. Let them remember Adoni-bezek, who was treated as he had treated others.

I am sure, therefore, that M. de Tocqueville is correct, in attributing the great influence of religion in this country mainly to the separation of the Church from the State. And I am also fully persuaded that just in the proportion, that a creed is supported by the State, or forced upon the minds of the people by legislative enactments, or the decrees of town councils, just in the same degree, its vitality is diminished. In the old world, both in Asia and Europe, where the governments and religious systems are inseparable, it is found that religion is weak or strong, as the government is feeble or powerful. And as it is only by a kind of mental aberration and distortion of the moral sentiments, that men can live without some kind of religion, so it is found that where religion and politics are inseparable, there the faith of the people fluctuates with the fortunes of the government. If the court is for Baal, then the people are strongly inclined to vote for Baal. But where religion rests on an enlightened conscience and a belief in man's immortality, and looks chiefly to a future state, and has no rewards to expect, nor penalties to fear from the secular power, there its empire may be as deep as the depths of the human heart, as free as human thought, as joyous as the purest imagination, and aspire to universal endless dominion.

It is easily apprehended how it is impossible for the Church to share any temporal power with Cæsar, and not partake of his fortunes. For just in the measure that any form of worship or sect enjoys a favor from the government, over any other form or sect, in that same measure is it the object of prejudice or enmity from all other sects, and citizens who believe in a different form of worship. We may say this is an abuse of a good thing, for which we are not responsible, for that every good thing may be abused. I answer, it is not admit-

ted that any such political favors to Christianity are a good thing at all. And moreover, this is an abuse that we can prevent—which it is our duty to prevent—and therefore we are justly accountable for it. Let me explain my meaning. Suppose we go to the polls with the cry, *the Bible in our Public Schools*, and that we succeed in electing men, who will compel its use; and do you not see that every man who voted against that ticket will transfer his political animosity and prejudices—his entire antagonism to his opponents from them to their Bible? And will this not array against Protestants all the bitter passions of a politico-religious strife? This is the inevitable result. And surely this is not the way to make men love our Bible. Is not a very large portion of the animosity that has so long prevailed among Irish Catholics toward Protestants to be ascribed to the oppression of a Protestant government? Why is all Europe filled with loud complaints that there is no living faith in her Churches? And are not the Churches the most stagnant and thoroughly dead, just where there has been the most law-making and tax-paying to sustain the rites and dogmas of the Church? To what, but to the sublime coming out of the Free Church of Scotland, with the great Chalmers at its head, from the flesh pots of the government, are we to ascribe the greatly increased power of Christianity in North Britain? It is the unhesitating opinion of the ablest thinkers in Europe, both among believers and sceptics, that the want of religious faith in Europe to day, not the want of nominal religion, but the want of sincere religious faith—is mainly owing to the close connection that there subsists, and has thus subsisted for centuries, between politics and religion. “The unbelievers of Europe attack Christians as their political opponents, rather than as their religious adversaries. They hate the Christian religion as the opinion of a party, much more than as an error of belief; and they reject the clergy not because they are the representatives of the Divinity, but because they are the allies of the government.”—*De Tocqueville*.

And this is precisely what will follow—what must take place if any measure is forced upon us by law in relation to religious matters. The Church of God was most powerful when wholly segregated from Cæsar. It is in Europe and Asia where Christianity has been the most intimately united to Cæsar, that it is the most corrupt. It is where the living body of religion has been bound to the dead corpse of earthly powers, that its holy influence has been most seriously put in peril. We are told that the religions of India and China are tottering to their fall, because they are identical with the science, and literature, and polity of those vast empires. If this be so, then according to the same law, it is only by extricating the Christian religion from the ruins amid which it lies in many parts of the old world—cutting asunder the State withes with which it is bound, to let it go free, that it can rise again to the high position it had when its glad tidings sounded throughout the whole earth from apostolic lips, as the voice of ransom to the world lying in wickedness. I know

not the plan by which the great head of the Church designs to fill the earth with the glory of the Lord, but it is my belief, that it will be by reformatations in the nominal Christian Churches themselves, and by the casting out of the money-changers and sword-drawing legions that have been employed by the unholy alliance of the Church and the State, to make men Christians—not by enlightening the mind and renewing the heart, but by pains and penalties, or by rewards. The Christian Church can only possess again the energy and influence of its earlier days by getting back to its independence, and reliance only upon God. Surely, then, American Christians will not lay the corner stone of such a huge fabric as will crush the life out of them, by allowing any interference in religious matters in State institutions. Highly as I value our Public Schools, I should prefer to have them closed, and the houses converted into manufactories or dwellings for the poor, and the School fund expended in tilling our lands, rather than that they should become sectarian institutions, and that through our Public School laws there should grow up a reunion of the Church and the State. Nor have I any sympathy for the Jeremiads that have been poured out in anticipation of the complete wreck of our free institutions for the want of statutes to make men read the Bible, and citizens behave themselves as Christians, whether they believe in Christianity or not. No, I have no tears to shed for such disasters from such a cause. True religion is necessary for the preservation of our country, but the way to spread true religion and increase its power, is to let it work its own way. If my zealous evangelical *law-loving* friends will only let the Church of Christ alone, and leave it to support itself by its own weapons, I am perfectly confident the gates of hell will never prevail against it. And if our great, glorious, and free institutions, are only let alone—kept free from this everlasting tinkering of fanatical clergymen, priests, and demagogues, they will stand for ever. *If ever the liberties of America perish, it will be by the hands of quasi-religious demagogues. Only sacerdotal hands can ever ply the torch to the temple of our liberties.*

XVII.

Majorities have no rights over Conscience.

"It is of great importance in a Republic not only to guard the Society from the oppression of its rulers, but to guard one part of society against the injustice of the other part. Justice is the end of government. It is the end of civil society."—*Mr. Hamilton in the Federalist.*

"Let all bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable;

that the minority possess their equal rights, which equal law must protect; and to violate which would be oppression. And let us reflect that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance as despotic, as bribed, and capable of as bitter and bloody persecutions."—*Jefferson's Inaugural*.

Mr. Calhoun, in the Senate in 1842, in replying to the arguments of *Mr. Clay* and *Mr. Archer*, and in showing that the popular will, as expressed in the presidential election, was not to be regarded as a principle of action in the government, said: "As the government approaches nearer and nearer to the one absolute and single power—the will of the greater number—its action will become more and more disturbed and irregular; faction, corruption, and anarchy, will more and more abound; patriotism will daily decay, and affection and reverence for the government grow weaker and weaker, until the final shock occurs, when the system will rush into ruin, and the sword take the place of law and constitution." And the only remedy for this dangerous tendency to the tyranny of a numerical majority, "is to be found in the Constitution, acknowledged by all to be the fundamental and supreme law of the land. It is full and perfect, because it is the expression of the voice of each State, adopted by the separate assent of each, by itself, and for itself; and is the voice of all by being that of each component part, united and blended into one harmonious whole. It is not only full and perfect, but as just as it is full and perfect; for, combining the sense of each, and therefore all, there is nothing left on which injustice or oppression, or usurpation, can operate. And, finally, it is as supreme as it is just; because, comprehending the will of all by uniting that of each of the parts, there is nothing within or above to control it. It is indeed the *vox populi*, *vox Dei*,—the creating voice that called the system into existence—and of which the government itself is but a creature, clothed with delegated powers to execute its high behests."—*Calhoun's Works*, iv vol., pp. 92, 93.

It is as plain as it can be there is no security against the absolute and despotic control of the numerical majority, but in the full, perfect, just and supreme voice of the people embodied in the Constitution and laws of the land. In dispensing with its sacred shield for a single moment, we dethrone "the Deity of our political system," and invoke our own perdition—or as *Lord Camden* once said, "since the price of one hour's English liberty none but an English jury can estimate, so if we once establish a dispensing power, regardless of the Constitution in the mere will of a momentary majority, we are not sure either of liberty or law forty minutes." I am afraid of all constructive powers either in Church or State. I am satisfied with the Gospel and with the Constitution as it is. The opponents of our views—one and all, with all their might—urge that "a majority must rule." I answer, yes, a majority must rule, but it must be according to the Constitution. For if a simple numerical majority is the

supreme law, then we have no constitution—no organic laws—the supreme rule of right and wrong is the momentary will of the majority—and, consequently, if we are in Italy or Mexico, we must become Catholics, and if in Persia, Fire-worshippers, or if in Utah, Mormons. And if the numerical majority of the human race is to decide what is truth, and which religion is true, then we must burn our Bibles, and become Pagans. Now there are many objections to allowing a question of this sort to be decided by any local or temporary numerical majority, among which I beg to say:

First. It makes this question a political shibboleth, against which I have earnestly remonstrated in the previous chapter. Let us take the late elections in New York City as an illustration; the Protestants have succeeded, and the Catholics as law-abiding citizens, say: "Well, we submit." But next year, at the election, the partisan watch word is a *division of the school fund*, and suppose it obtains a majority at the polls. Now, what will the minority, who were the majority last year, do? Why, submit, of course. And thus they go, defeating and being defeated every year, for a quarter of a century, until the battle cry is *King James' Bible* or *the Douay Bible*; and suppose, then, that a majority at the polls says, thrust out King James' and put in the Douay, what then? This is the voice of the majority. These, fellow-citizens, are the fearful whirlpools to which we are drifting, if we establish the rule, that a mere local or temporary majority is the supreme law on this subject. Look at it, then, I beseech you, full in the face, and consider the bearings and reach of such a precedent. I ask any candid man, what were the feelings and purposes of the majority who carried the late elections? I judge no man. Many were, no doubt, honest and pure minded; but is it not reasonable to conclude that, in the dust, and excitement, and turmoil, and wire-pulling, and scramble for the loaves and the fishes, that many cast their votes for a consideration, and out of hatred to foreigners and enmity to the Catholic Church, and for partisan purposes, and not from a sincere love for the Word of God? And, on the other side, was there not just as much bitterness arrayed against the Protestants; and by the prevailing of this majority, is there not a new wall raised up between Catholics and Protestants, and a new barrier in the way of ever inducing a Catholic in New York to read our Bible? I do not assume to sit in judgment on the voters of New York. I do not call in question the purity of their motives, as a whole, for voting as they did; but judging of such matters from history and from our knowledge of human nature, I ask if there is not great danger to our popular institutions in bringing such elements into our politics?

Secondly. Numerical majorities are not the standard of truth and right; they are not always correct. And the largeness of the number who may be in error does not correct the error, but only makes it worse. We know that the whole world lieth in wickedness, and that there is not a just man upon earth, who doeth good and sinneth not.

In times past, all nations were suffered to walk in their own ways; and now that God commandeth all men everywhere to repent, they do not seem to have greatly reformed their ways. In my late work on *Esther*, chapter tenth, I have shown that the *vox populi* is not always the *vox Dei*. I only add here the following illustration from the life of the Rev. *John Wesley*, whose name is a household word in Christendom. He was once engaged in an argument with his sister, whose talents were not unworthy of the family in favor of the doctrine *vox populi, vox Dei*. "I tell you," said Mr. Wesley, the voice of the people is the voice of God." "Yes," said his sister, "no doubt of it; they once cried, crucify Him, crucify Him." "And in the bulk of mankind for ages and by most ballot boxes, Barrabas will go as far as Jesus," is the dictum of one of the profoundest thinkers of the age.

Thirdly. This method of settling this question will lead to the division of the school fund, and to the division of the school-districts according to sectarian or denominational majorities. If King James' Bible is voted into this district, the Douay will be voted into another, and the Baptist version into another, and the Episcopalian service into another, and in Utah the Mormon Bible, and in a Hebrew district the Talmud. If once it is established that whatever religious book or service a majority within the district may wish to have in the school is to be used in it, then those in that district will seek to find a district where they can make a majority like minded with themselves. And so we shall have warring sects and fighting school-districts, and our teachers will become drill sergeants for the battle of the Churches. One legion will have its head-quarters on Market street, another in Stockton street, and another at North Beach. Salt Lake City, New Orleans and Boston will be training armies to fight each other to the death for religious dogmas. No! no! my heart sickens at such thoughts. Let us abide, fully, honestly and truly, by the Constitution as it is, interpreting our school laws as a compromise, and as occupying precisely the same ground in regard to religion that our fundamental laws do. This is the way of peace and security. The operation of this majority rule is, in my humble opinion, unjust, unconstitutional and tyrannical, when applied to school districts, and in regard to religion. It will operate in this way: In school-district A, a majority of the tax-payers say, we wish the Protestant Bible to be used, but the minority, paying equal taxes, according to their number and property, say, this Protestant Bible, according to our solemn convictions, is not a proper book for the school, and we do not wish our children to read it, or to be taught religion out of it. But the majority rule, and the minority must submit either to lose their share in the common school fund, or to have their religious rights taken from them. And in school-district B. the case stands in this way: A majority say, we wish the Douay Bible, and prayers by a priest in the school. The minority object, and say, this is offensive to our religious conscience. But there is no redress,

because they are in the minority. They must be robbed of their share of the school fund, or submit to have their conscience trampled upon. And the operation of such a rule will be equally oppressive as to teachers, and would virtually exclude many from the profession by requiring a religious test. I cannot, for the life of me, see how it is that a Catholic has not as much right to the benefit of his taxes, and as much right to freedom of conscience as a Protestant. Why has he not as much right to object to our requiring his child to chant our version of the Lord's Prayer, as we have to object to his requiring our child to repeat prayers to the Virgin Mary? I do not see why the Catholic has not as much right to say that his conscience is as enlightened and as truthful as ours. Our fundamental laws do not know any difference between the versions, nor make school directors keepers of the conscience.

Fourthly. It is urged, at every turn of this subject, that we must "put the Bible into the schools without regard to the objections of the minority, for the great American doctrine is that the majority rules." Now, again, I say, this is true only as far as the subject-matter has been put into the hands of popular sovereignty. Congress, for example, acts under a Constitution of delegated and limited powers, and the same is true of our State Legislatures. And among these delegated powers, we do not find the right to bind the conscience, or to do anything to sustain any religion; but expressly the reverse. We find that the obligations of the government are the same to all citizens, without knowing whether they have any religion; and, in fact, without having the power to ask them whether they believe in the Pope, the Grand Lama, or Mohammed, or in Jesus Christ; and that the consciences of a minority are not the less sacred than those of a majority. I do not see how a conscience is to know either a minority or a majority. And, certainly, our organic laws do not distinguish between a plurality or a minority of consciences, as to religious faith and worship. They say to every one and to all alike, Exercise your own conscience on religious matters, but commit no nuisance nor offense to the civil laws. The question, then, is not one between the conscience of a minority and the conscience of a majority, but between conscience in the citizen and the Constitution itself, and the Constitution declares that it has no right or power over the individual conscience at all, and that, therefore, it is left to its own absolute freedom. Our government, it must be remembered, recognizes as religious rights what, in most other governments, comes under the head of toleration. And, by our laws, these rights are not enjoyed by virtue of legislative indulgence. They are rights which the government cannot take from any citizen, but which it has pledged itself to protect for every one. And, in all such rights, our Constitution regards the conscience of an Israelite or a Pagan just as sacred as the conscience of a Protestant or Catholic, and allows nothing to distress the conscience of a solitary citizen. It knows no human being by his creed, nor after his catechism; but guarantees alike to all

unrestrained personal religious freedom. A majority has no more right to vote away the conscience of a minority than they have to deprive them of their property. The rights of individuals are recognized by our laws in a much fuller sense than was ever done in the ancient republics. With us there is a broad line of demarcation between what belongs to citizens and to individuals, and all religious matters are left to us as individuals. In farming or trading, so long as I do not offend the laws, I am protected in my individual rights. I may buy and sell what I please, and at such prices as I choose to pay or to take. This is not the business of the State. All this is my own responsibility. And when we leave the secular and civil domain and enter the province of religion, our policy is the same. The government has secured but one thing, which is perfect and equal protection, without any discrimination or preference to any one's religion, and that protection, too, is equally extended to minorities as to majorities—in fact, it knows no numerical majority on the subject. Nor can it. "Religion," said the Presbyterians of Virginia, in 1785, "is altogether personal, and the right of exercising it unalienable, and it is not, cannot, and ought not to be resigned, either to society at large, and much less to the Legislature." No. It never was resigned to the members of the first Congress, nor to the members of the Convention who framed the Constitution. Religion, in all its length and breadth, is reserved among our individual rights. It was never yielded to society, nor can it be. The rights of conscience were not put into the common capital stock out of which to construct our Union and Government. They were not represented at all in the Convention, nor recognized by the framers of the government, except as to guarantee perfect and equal freedom. Our organic laws have no power over them. Nor can they have. For the civil ruler may as well undertake to bind the winds and fetter the waves as to chain opinions and beliefs. But I am told, "the minority of Infidels, Catholics, Israelites and Mohammedans, in a school-district, must submit to have our Bible used, even if their religious consciences are offended, because they have consented to avail themselves of the united action of the State, as put forth in the school system." To this I answer, if the school system is a *quasi religious establishment*, the Constitution never authorized it, and this minority has never yielded any right to the government to teach either themselves or their children any religion. They became citizens under a Constitution that guaranteed to them, whether minorities or majorities, the same equal and perfect religious liberty, and the free exercise of their religious opinions, without let, hindrance or restraint. We have never—whether native born or naturalized citizens—yielded the right to the State to make inquisition about the conscience, nor to decide in favor of a numerical majority-conscience. Never. There is no such power asserted in the Bill of Rights, nor in our organic laws. On the contrary, no discrimination, test or preference can be shown by our laws, in religious things. The State

cannot know whether it is "half a dozen" or half a million—whether they are "a foreign, uneducated, anti-Bible-reading, blaspheming portion of the people who fill our prisons, and from whose ranks our criminals are drawn, and who pay but a tithe of the taxes, and who cost us, in the way of police expenses, more than a sum sufficient to educate all the youths of the nation"—our government, I say, cannot entertain any such inquisition as this. We are citizens, or we are not. If we are, the government cannot ask where we were born, nor whether we believe in Saint Nicholas or Baal, Confucius or Bel and the Dragon. But it pledges itself that my conscience shall be as sacred as any other citizen's. And it says, The rights of individuals to freedom of conscience are inalienable. It is not, then, the American doctrine that ninety-nine citizens may compel the hundredth one to read the Bible, or say his prayers. And what they cannot do to him, they cannot do with his child. This is a fallacy, then, of a most dangerous tendency.

If our national school system is as I have already said, and as I believe it must be, *a compromise like our Federal Constitution*, then let it be worked just as the Constitution is, as a compromise, ignoring altogether any discrimination between or preference for any religion, and without showing favor to any sect. It cannot be anything more or less than a compromise like the Federal Constitution, because it is made after it as a model and by its authority, and under the same delegated powers; and moreover, in declaring the rights of the State and in enacting our school laws no power was yielded or claimed to perform for the people a sacramental act, or a ritual service or to teach or control religion at all. Neither the Constitution nor the Legislature have any such delegated authority. And even, if it is admitted, which I do not admit, that the State takes the place of the parent, I ask if it is not the most cruel tyranny for it in that assumed office to teach the child a religion that the parent himself utterly repudiates, and for the State to do this, after having guaranteed to that parent that his religious conscience is a thing so sacred that it shall not be offended.

It is also an error to say that we wish "the Roman Catholic's conscience to have *more* consideration on this great vital question than the birth-right of American citizenship." No, not *more*, but *just the same*. That is, if the Protestant is not willing to send his child to a school where prayers to the Virgin Mary are used, then he ought not to require the Catholic to send his children to a school where the Protestant religion is taught—both being equal as citizens and tax-payers. I cannot therefore agree with my friend, that it is a "supreme absurdity" to appeal to the Constitution against the violation of the rights of conscience in this matter; nor that this appeal is "a fair sophistry swept away with a few words."

But it is said "the not making laws to compel the use of the Bible is doing a greater violence to more conscience" than the making of such a statute would be. Now this statement must always be

examined locally before we can know whether it is in any sense true. In some districts it may be altogether erroneous. But suppose there is a majority that wish such a law, and a minority that do not wish it. Then how is it to be decided? Why, as our laws do not know anything of the conscience of majorities or minorities, but to protect it, I should say, ignore the subject altogether. But then you say the majority conscience is violated. I answer, majorities have no right by law to put forth such claims for conscience. They are not prohibited from reading the Bible elsewhere, and as much as they please; and if they wish to read and preach it the whole world is open to them. But they cannot surely complain that conscience is violated, because they are not permitted to perform a religious act and conduct official religious worship in a Public School, which is not established for such a purpose at all. They may just as well complain that their conscience is violated, if they are not allowed to pray in the Police Court, or to hold a camp-meeting in Montgomery street. There is a palpable difference between the constraining a man to do as an official act what his church and his conscience forbid him to do, and the not allowing him to do what he as an individual desires to do—but to do in places and at times that invade the rights of others. For example, taxes are levied to establish Public Schools, which, however, are not meeting-houses or churches. They were not built to be altars or sanctuaries. They are the property of the State which is altogether a civil, and not a religious institution. And no violence is done to anybody's religious conscience by teaching the elements of secular knowledge in them. The school was not established to teach religion. If religion then is not taught there, you have no right to complain. You have your *quid pro quo*. You ought to be content. You would have as much right to complain that the Pastor and Sunday-school teacher of your child in your own parish Church do not teach him arithmetic, as you have to find fault that religion is not taught in the Public School. And your complaint is all the more unreasonable, because your child may have his Bible in his hand every day at home, and you may read and explain it to him at family prayers, where it is much more likely to do him good. Then, again, as the State is not competent to teach religion, neither has it professed to be, nor have you ever yielded to it the right to do so, therefore, you have no reason to say, that your conscience is grieved, because the State does not do what you have not empowered it to do, and which it never promised you it would do. Again, no error or ir-religion is forced upon your child at the Public School by not teaching him the Bible. It is a negative evil of which you complain, and one that you of all others in the world should yourself correct. But on the other hand the conscience of your neighbor is aggrieved, by your compelling the school to teach as religion what he does not believe, or does not wish thus to be taught to his child. Your neighbor may be all wrong, and you may be right, but still this is his view, and he has as much right to be considered honest as you have. And

if parents are anxious to have their children taught the Bible and taught to pray, as they should be, then they have Saturday and Sunday, and every morning and evening for this purpose. Only some six hours for five days of the week are spent in the Public Schools; all the rest of the week they have at their disposal, and the laws protect them in teaching their child as much of the Bible and of our holy religion as they please.

It is only under limitation, that I admit the right of the State to educate our children at all. And, surely, in yielding to the State the power to provide a system of Public Schools, it was not meant to give to the State the power to teach religion, and therefore to use the Bible.

The attempt, then, to compel me or my child to hear the Bible read, or to do any *religious* act, or attend on any *ritualistic* service as the reading of the Ten Commandments or of the Lord's Prayer, is a usurpation, is a pure despotism, and in every way contrary both to our laws and to the Gospel. Even in matters of secular education, I do not yield the Lacedemonian right to the State to take my child out of my hands and educate him for itself. Much less in regard to religious matters. I claim the same right, in regard to religion, for my child, that I do for myself.

To say, therefore, that a majority must rule in this matter is to overlook the fact that our Constitution and laws protect minorities in their unalienable rights and privileges, among which certainly we should class freedom of conscience, and exemption from paying taxes for the support of any form of religion, or for the teaching of any religion. And besides, this is an exceedingly dangerous position to assume, as I have shown elsewhere in this Tractate, for the majority of to-day may be the minority of to-morrow, and if we act the tyrant when we are in the majority, we should expect to be the victim when we become the minority. It is human retaliation; nay, it is sometimes retributive justice, even in this world, to make a man drink the poisoned cup he has drugged for his neighbor. An attempt to shift the odium of proscription, by claiming that it is the majority whose consciences are violated, is made by some of the writers whose opinions I am examining in this way: The question is not, say they, "when and how we may use the Bible, without interfering with the prejudices or speculative opinions of an ecclesiastical sect or political party; but the true question is, how much liberty have we a right to claim." Agreed. And the answer is, you have all the right the Constitution and the Gospel gives you, *and no more*; but they do not give you the right to take A's tax money to have your children taught your own or any other person's religion. Neither the Bible nor the Gospel allows you to claim liberty for yourself that you do not allow to your neighbor. If you are not willing to pay taxes to support a school in which your neighbor, who is equal with yourself in all civil rights and in his support of the government, wishes to have the Koran, or the Talmud, or the Roman Missal used, then you have no right to compel him to pay taxes to support a school in which your religion is taught.

This whole argument about a numerical conscience, is a fallacy that it gives me pain to contemplate. The ground must be taken by those who urge its claims, that conscience is the supreme rule, or that it is not. But surely conscience is not the supreme standard of right and wrong. For if so, the conscience of the Hindoo or of the Bushman, is as safe as the conscience of Henry Martyn. But my friends say they mean only an *enlightened conscience*. Well, I then ask, how is it to be enlightened, and by what is it to be enlightened, and to what extent enlightened, and who is to measure the enlightenment, and to decide when the conscience is sufficiently enlightened to be a reliable rule of faith and manners? To ask these questions is to show the utter impossibility of making conscience the rule of right in such a case. What then is meant by saying that the conscience of a majority must lord it over the conscience of a minority? Why, as far as I can apprehend it, the meaning is this: Consciences are to be weighed and measured, and that as at present Protestants are more numerous in the United States than Roman Catholics, and Israelites, and all other sects who do not wish the Bible to be used by law in the Public Schools, so the decision is to be in their favor. They *count* consciences, and they have a majority. They *weigh* consciences, and their end of the scale is the heaviest. As far as I have been able to understand this plea of a *majority conscience*, this is the sum and gist of their arguments. And, in answer, I have to say further: *first*, that it is an inconvenient, unsafe, unjust, and dangerous rule, because it may happen that the enlightenment of the minority conscience is much greater than the sum total of the enlightenment of the numerical majority. And if so, what becomes of the plea for an enlightened conscience? *Secondly*, this method of settling a religious controversy, is to assume for conscience a position unknown to the Word of God and to the laws of the land. Conscience is not our lawgiver, nor the executive of our laws either in the Church or in the State. The Bible tells us of some men who were following conscience, and yet sinning against God. And daily observation proves to us that men are continually erring, though at the time they may have a conscience void of offense. The law does not excuse a man because he pleads that his conscience is enlightened and innocent. *Thirdly*, even if an enlightened conscience could be counted and weighed, who is to do it? The State cannot. Her jurisdiction is with *conduct*, not over opinions or thoughts, or the moral status of the soul, as it is to answer before the Almighty. It can then be regarded as nothing but a specious kind of ranting to appeal to the popular religious passions of the sects, to say that the great Protestant conscience, and the decisions of the conscience of a majority of so many millions of American Protestants, are disregarded, by not compelling our Bible to be used in our schools. "Any violence to the conscience is an infringement on our religious freedom." Where, then, are the rights of the conscience of the minority, no matter how meagre it may be, if a majority at the ballot-box is to control it? "This is indeed despotism, not

republicanism." And surely it is not the meaning of my friends, that the Constitution and laws of our country allow a majority at the polls to tyrannize over the conscience of a minority. They do not mean, that such a majority can rob the minority of their share in the common school fund, or trample their conscience under their feet. What then do they mean? The Gospel knows of no such rights in a majority over a minority. And, as citizens, we are not known as to the protection of conscience by numbers at all. As citizens, we have never granted this power to the government. Neither has our Creator given it to our law-makers. All our government can do is to protect every one in the free exercise of his religious opinions and rites, subject to the restrictions as before explained, which are necessary to give others the same and equal rights. If the state is a *civil* institution, then it has no power to legislate for the use of the Bible in the schools, except so far as to prevent violence being done to the rights of citizens vested in and pertaining to the schools. And as to compelling me or my child to read, or hear the Bible read, it has no power whatever. The government has no right to ask me whether I have a Bible, or whether I believe in Confucius. If it has the right to compel me to use the Bible, then it has the right to compel me to go to Church, and to communion. And the State has no more right to direct about teaching religion to my child, than it has to direct my own personal religious affairs.

And besides all this, it is not only unconstitutional and unjust for the majority to lord it over the conscience of a minority, whose religious rights are as sacred to them, and as fully protected by our fundamental laws and by the Gospel as are ours; but it is highly inexpedient and in the highest degree dangerous, in two respects. *First*, it is a departure from the strict letter and spirit of our laws; and *secondly*, if from our having the advantage of a *majority* we take such a liberty, then if we should find ourselves in the future in a *minority*, we should expect to have our own cup put to our lips. And if the greatest good to the greatest number authorizes a majority in any one City or State to put such a construction on our organic laws, as to make a Puritan Sunday, or an Episcopalian Chaplaincy, or a Presbyterian Bible a text book in our Public Schools, then why should not the same rule allow the Catholics whenever and wherever they shall happen to have a numerical majority to make our Public Schools all that their priests desire them to be? If the Legislature this year may pass laws to sustain Christianity, then next year they may enact laws for Mohammedanism. Already, the newspapers say, a petition has been presented in the Senate of the United States for an appropriation to circulate the Book of Mormon. There is no safety, but in refusing outright to furnish a handle for the axe. For if the civil authorities may enact laws *for* Christ's kingdom, then whenever a numerical majority have the heart so to do, they may pass laws against Him. And whether they uphold Protestantism or Romanism, will depend upon the mere accidental majority at the polls. And to adopt such

a rule is to make *might right*. Such a rule also justifies all the pains and penalties and torturings and deaths ever endured for conscience's sake. For all such measures were enforced by a majority conscience, and on the plea of doing God's service. The Duke of Alva and the Duke of Tuscany are not to be blamed if the *might* of a numerical majority has a right to lord it over the consciences of a minority. But they are not possessed of any such right. And our laws and the Gospel do no give a majority the right to oppress the conscience of the feeblest of God's creatures.

XVIII.

Compulsory Bible reading insufficient.

THERE was once a fierce dispute between the Wind and the Sun, which was the strongest, and they agreed to test their strength on a traveler, to see which could make him take off his cloak first. Accordingly, the Wind blew with might and main, cold and fierce as a Thracian storm; but this only made the traveler wrap his cloak around him, grasp it the tighter with his hands. Then the Sun broke out, and drove away the cold vapors, and, as the traveler felt his genial beams, he relaxed his muscles and his knit defiant brow; and, as the sun shone brighter and brighter, he sat down quiet as a lamb, and threw off his cloak, and of course the Sun was declared the conqueror.—*Æsop*.

I give this translation of an old fable, because I think it is the profoundest orthodox philosophy. The sunshine of kindness opens the heart that cannot be reached by the force and blustering of authority. Persuasion is better than imperial force. Love only is omnipotent. *The empire is peace*. For a series of years, the best men, and the most favored nations, have been struggling to free themselves from religious bigotry, and the fetters of religious establishments; why then should we go back to the disastrous alliance of religion and politics? Of all people on earth we are the best prepared to carry on this glorious experiment, and the results thus far are certainly in favor of our continuing free.

I have wondered, in this age of Missionary statistics, that we have not had an account arithmetical of how much good has been done by reading the Bible in the Public Schools—that we have not been told how many have been converted, and how many have been saved from Heresy, and Popery, and Infidelity, by the compulsory use of the Bible in our schools. It is admitted, I think, that there is not anything saving in the mere act of reading or hearing the Bible read. The Bible is not a charm or an amulet. Unless its true meaning is apprehended, and the heart and the life are influenced by it, the mere act of reading a few verses is not likely to do much good, especially when the ears and the heart are closed against them by

prejudice or a sense of injustice and wrong done by this very act of reading. With all possible respect for my friends whose views I cannot adopt, and with the profoundest reverence for the Word of God, I must say, that I believe the importance of reading the Bible in the Public Schools, under all the circumstances of the case, very greatly overstated. And I think so, because, the mere reading of it is not satisfactory to any one. It is in opposition to the wishes of those whose consciences are aggrieved by it; and it is not enough, as we have seen, to satisfy those who desire their children to be taught religion in the schools. It will be borne in mind that I understand the compulsory use of the Bible in our schools, to be equivalent to teaching religion by stress of law. And this, it is said, must be done, because, "If the Bible is not read in our Public Schools, they will become infidel." To this I answer: 1. The mere compulsory letter reading of the Bible is not a *preventive of Infidelity*. The neology of Germany, the Scepticism of France, the Deism of England, and the Rationalism of the United States, flourish most with those who are liberally educated, and in that education is to be found a considerable knowledge of the literature of the Bible. Some of the bitterest enemies of Divine Revelation in our day are Biblical scholars, and pupils of schools where the Bible was taught.

2. Does not the argument obtain with equal force in the army and navy, in our hospitals and prisons, and in our foundries, mills, and factories? Is it really then the duty of the State to become a colporteur or an evangelist, and read and preach the Divine Word wherever men are congregated?

3. Is it true that there is any tendency in the elements of a mere secular education to infidelity? What latent infidelity is there in grammar or arithmetic? Does astronomy lead to unbelief? I thought a poet had truthfully said: "the undevout astronomer is mad." If there is essentially a tendency in the secular education of our schools to infidelity, then I should say we have made a great mistake in establishing them, and the sooner they are discontinued the better. It is admitted that the cases above referred to are proofs of an abuse of what is essentially good. And it is admitted that "a little learning is a dangerous thing," and that self-conceited sciolists are sometimes professed unbelievers; but we deny that profound scholarship and true scientific attainments have any tendency to infidelity. It is true that knowledge may be a power for evil as well as for good; but such an abuse of secular knowledge is no more an argument against it, than an abuse of divine knowledge is an argument against the Bible. If there is an inherent tendency in the study of grammar, geography, chemistry, and in the art of reading and writing, or in learning to be an apothecary, a blacksmith, or in the elementary branches of any other trade or business, to infidelity, how are we to correct it? Must we hire a chaplain to stand and read the Bible to our sons all day long as they are acquiring the elements of secular knowledge and business, and to watch over them as the *Duennas* do over the girls of

the continent? It seems to me the only practicable way to look at this subject, is, to trust the secular education of our children in the Public Schools, just as we do when we send them to learn a trade, or to acquire the knowledge of a factory or a warehouse; and, that we must do as the Israelites of New York say they are content to do—*take care of their religion at home.* The most effectual way to counteract the tendency of secular knowledge to infidelity, if there is any such tendency, (which I do not admit,) is not to compel the reading and hearing of the Bible in the Public Schools, but for the mother and the father, and the Sabbath school teacher, and the pulpit, to ply the youthful heart with God's truth. HOME is the great university of mankind. "It is the mother that moulds the man." "They who rock the cradle, rule the world."

One of my friends argues that "It is the duty of the State to educate all the millions of her sons and daughters," and that it is the duty of the State to make the Bible the basis of that system—that "the Bible ought to have a place in any educational system adopted by the State." His reasoning on these assumed propositions is in this style: There are only three agents by which the masses can be educated, "individual effort, the Church and the State." He admits individual effort has done something, but is altogether unequal to the work. And then he says: "Nor can the Church do this work," and his conclusion is, the State must do it. If this be correct, then we should have an established religion, without any doubt. If this view is correct, I shall become an advocate for the union of Church and State, as soon as possible. I am for outspoken honesty, and if we are to have the State turn religious teacher, I wish to know it, and I wish my fellow-citizens to know it. But I do not believe that my friend's position is a correct one. He leaves out of view altogether voluntary associated efforts, and the *family*, unless he includes them in the Church, and if he includes them in the Church, the family is so important an agency that its influence and place ought not to be thus overlooked. The Church of God cannot do without the family. But let us examine the reach of this argument. The Gospel of Christ is as necessary to the millions of people in our country as the Bible is to its children, and if individual efforts and the Church cannot educate the children, how can they preach the Gospel to all its inhabitants; and if individual effort and the Church cannot do it, is it then the duty of the State to turn Evangelist and preach the Gospel in every valley, gulch and mountain? If the argument is good in one case, I do not see why it is not in the other. For the Word of God is as necessary to our adult population as it is to the children, and yet hundreds and thousands in our State do not possess a copy. Must the Legislature, therefore, buy Bibles and send out colporteurs? I think not. The united, associated, voluntary effort of Christians can and does supply the State with Bibles, and it is much better for it to be done in this way than for the Legislature to do it. But is it true that the Church

of God cannot teach His Word to our children? Is she not commanded to teach all nations? If so, is this command given with the design that it shall be obeyed? Or is the Church appointed by its Great Founder to do a work she is not able to do? Did not Christ commission his ministering servants to preach the Gospel to every creature? And is not the Church able to obey her Lord's commandment? I must think that the Founder of the Church knew what was the design and reach of his commission, and that He would not have appointed the Church to do a work that it could not do. It is not denied but that the Church is God's great teaching institute. It was to the infant Church the work of teaching mankind was committed. The command to go into all the world and preach the Gospel was not given to the State, but to the Church. In calling little children unto Him and blessing them, our Lord did not mean to say to His followers, *Make Cæsar educate the children for me*. No. He means that the work should be done by His own professing disciples. And hence He made them—not Cæsar—"the light of the world," "the salt of the earth." I confess candidly that I have yet to see the first word in the New Testament that authorizes the Church to throw herself "into the Public Schools (Cæsar's institutions) and sanctify and control the great movement." I do not believe that it was the design of Christ, in commanding His ministering servants "to go into all the world and preach the Gospel to every creature, teaching all nations," that they should unite themselves with the politics of the nations, and employ the secular arm, the public money and Cæsar's sword to build up His kingdom. Are we to expect the conversion of the world by government statutes, or by the preaching of the Word of God—by the power of His Spirit or by legislative decrees?

And, moreover, if the Bible is used in the Public Schools, still a great number will not know anything about it, if that is the only channel through which they are to be brought to its knowledge. We learn, from the able report of our Superintendent, that over 20,000 of the children of the State, between the age of four and eighteen years, have not been inside of a public school house, and over 29,000 have in effect received no instruction during the year. I do not refer to this to show that our school law is defective; I do not know that any better or more efficient system can be presented; but I do refer to this statement, to show that there are defects in all systems and imperfections in all human governments. In the old world, where religious establishments overshadow the land, there are millions ignorant not only of the Scriptures, but of the simplest doctrines of the Gospel, and many are ignorant even of the name of Christ. Nor is this statement to be applied only to the continent. So serious is this defect in Great Britain, that a Free Church of England, in imitation of the Free Church of Scotland, has been freely discussed for some years past. It is at least proven that our voluntary system has done, on the whole, better for us than establishments have done in the old world.

But there "are orphans and homeless children, and children whose parents do not teach them any religion; and if these are not taught the Bible in the Public Schools, they will not be taught it anywhere." Now, I do not see how, on such a plea as this, it can be any more the duty of the State to teach the children religion on the week day in the Public Schools, than it is to teach them the Gospel on the Lord's day. The preaching of the Gospel to them, to say the least, is as necessary as reading the Bible to them. Must the State, therefore, build chapels and employ preachers for such, and compel them to come and hear? I think not. All human governments are necessarily imperfect, and such children ought to be cared for by the Churches. Are there any children, although poor and orphans in Heathendom, that are not taught the religion of the country? Are there any orphans among the Israelites or Catholics that are not cared for? The greater the number of such orphans and neglected children among us, the stronger is the proof that our Churches are negligent, and the louder the call for missionary and Sunday School efforts. And it was in pleading for just this—greater zeal in teaching our children religion at home and in our Sabbath Schools, and Denominational Schools—that I was led to allude to our Public Schools at all. I am strongly inclined to think, moreover, that there is some unfairness, exaggeration or mistake in the statistics that are frequently published as to the number of children in the United States, that are growing up without any religious instruction, because they do not attend Sunday Schools. I think the proportion is overstated. There are many children taught religion at home, who do not attend Sunday Schools; and in making up the sum, are any but Evangelical Protestant Sunday Schools taken into the reckoning? Are not all Hebrew and Catholic Schools excluded? But it is not fair to say that all Catholic and Israelite children are growing up among us, "perfect heathens because they do not attend our Sunday Schools." I wish I could believe that we are as faithful in teaching religion to our children as the Israelites and Catholics are. I do not suppose that we can reach every case of ignorance among the children of the country, by our Sabbath Schools and missionary efforts, in a single day, but I am fully persuaded a great deal more can and ought to be done than is done. The Bible Society will be able, I doubt not, to put the Word of God into the hands of every individual in the State, who will receive it without having any edict from the Legislature on the subject. And I think the Church ought and can preach the Gospel throughout the country without calling upon Cæsar for his decrees. I have a great deal more faith in the "saddle bags' heroes" converting the State than I have in the Legislature doing it.

An argument which my friends who oppose my views seem to consider perfectly triumphant and overwhelming, and against which no possible answer can be given, is this: "That an open Bible for all people at all times is the will of God," and it is boldly asked, "Who will dare to stand up in the face of heaven and deny it?"

Softly, brethren ; we do not deny this proposition. But how does it stand in relation to the point in hand ? Why, manifestly, your inference from it is, that our version of the Holy Scriptures should be used in the Public Schools. Well, now, let us try the doctrine. Is not Jesus Christ a Saviour sent from heaven by "the will of God, for all people and at all times?" Is it not the will of God "that all men should believe on Him and be saved?" And are you prepared, therefore, to say, that the Legislature, or a Board of School Directors, by the authority of the State, are to have a legal and moral right to require or to teach faith in Jesus Christ as a part of our Public School instructions? If you are not prepared to adopt this conclusion, then your argument about the Bible falls to the ground ; and, if you do adopt it, then you are in favor of an established religion. I see no possible way to escape from the one or the other of these conclusions, according to your argument. I do not believe that either is correct, and, therefore, I am bound to say that the proposition, as it relates to the point at issue, is "a fair sophistry."

But it is clearly laid down as a proposition, that "the demand for the Bible is special in Common Schools," because "the Bible, as a text-book, is indispensable." It is then not enough that the Bible should be read at the opening of the school ; it must be "a text-book." The reasons given for making the Bible "a text-book" are, such as its literary excellence for enabling the child to acquire "the good old Saxon." And yet, in urging this very plea, it is admitted there are "obsolete words and phrases"—"true, it has not the polish and splendor of the days of Addison, nor the flexibility of modern rhetoric"—"And that judicious selections from the Old and New Testaments would, we believe, very greatly excel, in adaptation, the elementary school books." But if selections are to be made, who is to do it? Whoever has this power is a spiritual ecclesiastical court. And, after all, is it for its excellence, as a model of the English tongue, that the Bible is to be used? I supposed it was because it was the Word of God—a Revelation of His will—teaching us what to do and believe in order that we may be saved. If it is for its literary attractions, which we will admit to be as great as our eloquent friends can make them, that it is to be used, then we should say, Let us have the selections, and such selections as no one could object to from religious scruples. It is also said, in urging the compulsory use of the Bible, that "its historic narratives and sketches are an exhaustless variety of incidents, and the duties of children which it teaches and the virtues it inculcates, which, if "collected together and properly classified, they cover twenty-two royal octavo pages." "And the curious and profitable interest in the arts and sciences, enough to make thirty-one pages;"—and of "stupendous miracles, twenty-nine pages more." "Look now at the history and genealogy of the race, as sketched in the Holy Bible." And its contributions in the department of natural history, "stretching out into thirty-five pages of classified scientific facts and discussions," and "biblical



politics," and "the metaphysics of the Bible," and its "indispensable contributions to ancient geography." "The Bible a text-book of surprising adaptation for teaching the art of reading." These quotations, I believe, set forth fairly the strength of the argument for making the Bible "a text-book." It is true, however, that it is new to me, that we have "thirty-five pages of *classified* scientific facts and discussions in the Bible." Nor did I know before, that our children went to the Public Schools to learn "biblical politics," or "the metaphysics of the Bible," or that they were to use the Bible as a text-book to teach them "the art of reading." I have no objections to the use of selections from the Bible, nor to the use of the whole Bible, if all concerned in a Public School are agreed, and I am ready to assent to the great merit of its literature; but I insist upon it, that before we incorporate into our Public School laws a statute requiring the use of the Bible, we should know how it is to be used, and for what purpose taught. I have supposed, from the great number of pleas and exhortations that I have met with for the Bible in the Public Schools, that the great reason why it must be so used, is, that it is the Word of God, and teaches our holy religion and the way to be saved. To the argument, therefore, that the Bible must be a text-book because of its literary attractions, "politics," "geography," "metaphysics," and because it is "the grand text-book of citizenship," I have nothing farther to say, except that I think, for such purposes, a selection from the Bible much better than the whole Bible, and that such selections are to be found in many elementary works already prepared. But as this is changing the ground altogether from a spiritual platform to a civil one, I shall only add, that it seems to me, the best way for the State, even on this platform, is to pursue the same policy it does on other subjects. Guarantee the right of liberty and the pursuit of happiness, and leave it to individual and associated efforts to teach religion. I believe it is found that, with all the appliances of the government, still the Secretary of the Navy can go into the market and buy or have built a better ship and with less cost than he can build one in the government docks. Private enterprise, stimulated by competition, is more than a rival for the government itself. I must, therefore, think that the efficiency of individual efforts and of united action among our churches and missionary bodies is not sufficiently appreciated by those who are depending so much on legislative favors. No other body but the Church is competent to teach religion. No other way than this is practicable. As individuals we have our religious views, and however diversified they may be, as citizens we harmonize, while each one allows his neighbor to enjoy the same liberty which he claims for himself. And representatives in the government act for their constituents. They are chosen "to represent their *political* and not their religious views; to guard the rights of man, not to restrict the rights of conscience. The principles of our government do not recognize in the majority any authority over the minority, except in matters which regard the

conduct of man to his fellow-man."* It is clearly, then, contrary to all our American principles to ask the government to show favor or preference to any version or sect or form of worship.

That morality and piety are taught by the Bible, and that its principles are good and holy, do not prove anything to the point at issue, unless they prove more, namely: that the whole work of education is to be made an ecclesiastical work, and the State is to assume the functions of the Church. But that the government of the schools cannot be successfully carried on without the reading of the Bible, we are disposed to deny. It may at least be well to inquire whether the police of the best cities and armies is in any way connected with the reading of the Bible; and whether the efficiency and power of the English and French nations are to be ascribed to prayers at the morning sessions of the Parliament and of the National Council. I am perfectly satisfied that it is a delusion to say that if we have a few verses of the Word of God read in our Public Schools, that thereby, we shall secure the religious education of the children. Was it the reading of the Bible in the school that saved Randolph of Roanoke, and John Adams from being infidels? They have both ascribed their religious belief to their mothers. As to the argument, therefore, that the Bible must be used in the schools because of its moral influence, we may just as well say, the Bible must be read in the Police Court, and in the Legislature, and before the Supreme Court. And as our constables, sheriffs, judges and editors, and heads of business houses, have more moral influence than many of the teachers of our schools, must every constable and editor, and legislator, and all men who make money, and who control the public tastes, be catechized as to their reading of the Bible before they are elected or allowed to pursue their business? As the inspiration of the Holy Scriptures is not involved in this discussion, I do not see how it is an argument for compelling the use of the Bible in the Schools to say that it is "a communication from God to man." Christians believe that Jesus Christ was sent from heaven to save mankind, but that does not authorize us to *compel* the children of our Public Schools to hear a sermon on the incarnation every morning. Millions believe Mohammed to have come from God as his greatest prophet. Is that belief a sufficient authority for the State to place the Koran in the schools? There is no application or force in the argument that the Bible is a communication from God to man, and that it is His will that all men should at all times receive it; for placing it in the schools, that does not require Christ crucified, to be preached daily in the schools. Judge Story, who is the oracle of my friends, takes the ground, openly and broadly, that "the State must interfere in matters of religion," because "piety, religion and morality are indispensable to the administration of civil justice." Is this the ground to be occupied by the advocates of compelling the use of the Bible? It is foreign to my purpose, in this tractate, to discuss either the

* Report in the Senate. Am. State Papers, vol. xv, p. 229.

right of a State of the American Union to establish a religion, or the abstract question of such establishments. The only point that I consider pertinent at present is this: Did the people of California, when they adopted the Constitution, and when they empowered their Legislature to enact the school laws, suppose and intend to require or allow the State to teach piety and religion? I do not suppose that any one will seriously maintain any such an idea. The fourth section of the Declaration of Rights, which is a part of the Constitution, says: "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief." Now, how can this be reconciled with Judge Story's right of the State to interfere in matters of religion? And to ask how a law requiring the use of the Protestant Bible in the Public Schools interferes with "the free exercise and enjoyment of religious profession and worship," is an insult to one's common sense. For, how can an exercise and worship be *free* that is by constraint of law? How can a law require the *Protestant* Bible to be read without making discrimination and preference? And how can a teacher, whose conscience does not allow him to read the Protestant Bible, and whose church forbids him to read it, have the free exercise and enjoyment of religious profession and worship in a public school, the directors of which require the use of that Bible? And how can any Board of Directors require such a religious test? How can they hinder a teacher from "acquiring and possessing property," and from pursuing and obtaining safety and happiness" as a teacher, on account of his religious opinions and convictions? It is impossible for any Legislature, or any Board of School Directors to require a religious test in the teachers of the Public Schools, or to deny them the pursuit of happiness and the acquirement of the means of life in the Public Schools, on account of their religious conscience, without violating their sacred inalienable rights. And, if once it becomes the prevailing doctrine that the State may thus "interfere in matters of religion," and the Bible is used by compulsion, then the next thing will be the use of the catechism and the prayer-book. If the State can interfere and discriminate between versions, and select a Bible, it may do the same in regard to catechisms and Bible readers, and the State Schools will become wholly sectarian institutions. Let us see how this rule would work. Suppose Mr. Judah is examined and passed as a qualified teacher of all the arts and sciences, and branches of a secular education, but when he is about to retire, the President of the school committee says, and it is required of you to read the Bible and offer prayers every day in the school. And Mr. Judah, like Mordecai, says I cannot do so, "because I am a Jew." And Mr. Owen says, I cannot consistently do so, for I am a Deist, or, I believe in the Book of Mormon, or in the Koran. And what will the commissioners do? The American doctrine is that, *no reli-*

gious test can be required ; no hindrance is to be offered to the free exercise of religious profession and worship ; and no discrimination or preference can be shown between the religions of American citizens. Clearly, then, these teachers cannot be prevented constitutionally from occupying their places on account of their religious opinions, nor can their religious conscience be distressed by compelling them to perform such religious services. I ask any candid man if there is any fallacy in this reasoning.

XIX.

What Christianity asks of Cæsar.

"Our young wild land, the free, the proud !
 Uncrush'd by power, unawed by fear ;
 Her knee to none but God is bow'd,
 For nature teaches Freedom here."—*Street.*

"Nous n'avons aucun empire sur la religion, parcequ'on ne peut forcer la croyance."—*The Golden Words of Theodoric, the Ostrogoth.*

"It is the glory of Christianity, that it prevailed by its own purity, with no other force, but a torrent of arguments and the demonstration of the Holy Spirit."—*John Sturgion's plea for toleration, addressed to Charles II.*

THE venerable Archbishop of Dublin has said that a proneness for *over-governing*, is a kind of puerility that characterizes the earlier stages of civilization and of inexperienced law-makers. Young legislators naturally wish to enforce every good thing, and prevent everything they consider evil by law. But I am inclined to think that a fair examination of human history shows that, by far, more evil has been done by too much legislation rather than by too little. *Mankind has been altogether too much governed.* Meddlesome legislation is one of the greatest evils that has ever befallen our race. Oftentimes, more harm is done by attempting to do by law, what is not fairly within its province, than would have resulted from no law on the subject. The history of the curfew bell, and of sumptuary laws, and of "Maine-liquor laws," "and of usury laws," is, if I am not very much mistaken, in proof that all such laws are not only galling, but altogether ineffectual. Unless there is a moral sentiment strong enough to sustain such laws, they are sure to be evaded, and this evasion is a high demoralization. The same thing is true of laws against duelling and gambling. But you tell me, Christianity is a great reformer and the only true civilizer, and, therefore, we must make laws in its favor. And I answer, as the great Robert Hall said in his address to the missionary Carey, who was going to convert the Heathen, "it is only when Christianity is allowed to de-

velop the energies by which she sanctifies, that she ameliorates man's present condition." The universal prevalence of the Gospel will convert this world into a semi-paradisaical state; but if Christianity forget her celestial origin and destiny, that she came from God and that her kingdom is not of this world, then she is shorn of her power and has nothing but a bare and sanctimonious hypocrisy.

Our Lord's command, to render unto Cæsar the things that are Cæsar's, neither makes a Cæsar, nor tells us who Cæsar is, but only requires us to give him those things which the laws have determined to be his, unless they require as his what belongs to God; and then, the duty is plain: but "render unto God the things which are God's."

In a memorial of the Presbytery of Hanover to the General Assembly of the State of Virginia, in 1777, we have the following remarkable deliverance on the subject of religious liberty:

"In the fixed belief of this principle, that the kingdom of Christ and the concerns of religion are beyond the limits of civil control, we should act a dishonest, inconsistent part, were we to receive any emoluments from human establishments for the support of the Gospel."

And again, in 1784, they say:

"We conceive that human legislation ought to have human affairs alone for its concerns. Legislators in free States possess delegated authority, for the good of the community at large, in its political or civil capacity. The existence, preservation and happiness of society should be their only object; and to this, their public cares should be confined. Whatever is not materially connected with this, lies not within their province as statesmen. The thoughts, the intentions, the faith and the consciences of men, with their modes of worship, lie beyond their reach and are ever to be referred to a higher and more penetrating tribunal. These internal and spiritual matters cannot be measured by human rules, nor be amenable to human laws. It is the duty of every man, for himself, to take care of his immortal interest in a future State, where we are to account for our conduct as individuals; and it is by no means the business of a Legislature to attend to this, for THESE Governments and States as collective bodies shall no more be known." *

The Fathers were certainly correct in discriminating between the key and the sword, and also between the keys of Heaven and law pleas. In the hands of Christ's ministers, the keys imply nothing more than the power of preaching His word and administering His sacraments, and declaring in His name that penitence, and faith, and obedience, are the terms of pardon and life everlasting. It is to civil government God has intrusted Justice: "*Deus judicium suum Regi dedit.*" And when Solomon became King, his prayer was: "*Cor intelligens, ut populum suum judicare posset,*" and this choice was acceptable to God. Jerome was quite right, therefore, when he said, that "*Regum proprium officium est facere judicium et justitiam.*"

* The Presbytery of Hanover of the Presbyterian Church to the Assembly of the State of Virginia, 1784.

Throughout sacred history, an instance is not known in which the administration of justice is given to priests as such; it is always attributed to civil rulers. Christ himself expressly said, that He was not a judge and a divider between brothers; He did not come to interfere in civil affairs. For four or five hundred years, certainly up to the reign of Constantine, priests were reckoned as members of civil society, and amenable to civil magistrates, as well in civil as in criminal causes. It was not until the polity of the Church was formed after that of the Empire, that priests and bishops obtained the power of trying causes and ruling as secular princes. And it was then, the civil power and secular arm were made propagandists of the Gospel of Peace. But we do not believe Christianity required or approved of this, for Christ ordained a complete system of laws for the government of His Church, and for its support, and for the propagation of the Gospel, independent of the State. It was to His followers, and not to the State, He gave his great commission to preach the Gospel to every creature.

When our Lord says, his "kingdom is not of this world," He does not mean that He has not authority over this world, for He says in another place, "all power in heaven and in earth is given unto me." He means, no doubt, that His kingdom is not of, not derived from, nor founded on the principles or maxims of this world, nor to be propagated and sustained by carnal weapons.

Although the Ecclesiastical State was settled in splendor by Constantine, yet down to the reign of Justinian the Emperor, it did not go beyond the bounds of spiritual power in the cognizance of causes. It was still confined to matters of religion and faith. The Church could only censure and settle differences among Christians. Such differences were decided by "arbitration and charitable reconciliation." As yet the Church had no Court of Justice, nor temporal jurisdiction—no *Justicia Contentiosa*. The only power claimed over the souls of men was that of persuasion. So taught Chrysostom, Lactantius, Cassiodorus, Bernardus, and others. They loudly affirmed that no power had been given to them to hinder men from committing faults, by the authority of decrees: "*non est nobis data talis potestas, ut auctoritate sententiæ cohibeamus homines a delictis*," says Chrysostom. They declared that "all their power consisted in *exhorting, persuading, and praying*, but not in commanding."*

The civil government is limited to conduct; it has no jurisdiction over the soul. It may attempt to enforce uniformity, but it cannot control the inward thoughts. The attempt to do so is preposterous. Galileo may be tortured until his lips utter what he does not believe, and still his opinion will be that the world does move. I see not how a man can renounce the freedom of opinion, nor that he has a right to do so, if he could.

The civil government cannot rightfully operate upon opinions. No man, nor body of men, can judge of the thoughts or secret purposes

* See Pietro Giannone's Civil His. of Naples, 1st vol., 2 Book, sec. iii, and the authorities therein referred to. This is a remarkably valuable book.

of others. Nor are matters intellectual, as old Jeremy Taylor expressed it, "cognoscible by the secular power." Nor are matters of doubtful disputation, as are many of the articles that separate Christian sects, to be cause of corporeal punishment or civil disability. "God alone is the judge, who alone is master of our souls, and hath a dominion over the human understanding."

Our government has nothing to do with us as *moral agents*. It knows us only as citizens. It cannot take any cognizance, therefore, of my *moral conduct*, or of my opinions, *political or religious*, except as they are expressed in my conduct. As it is not given to any human government to fix the standard of moral right, or declare what true religion is, so it does not belong to any human government to interfere with my liberty of choice as to what I shall believe. The extent of a human government is to fix the boundary of *legal right and wrong*. *Moral right and wrong* are proven by the will of God. Our accountability to civil government ceases at death. Its province lies wholly on this side of the grave. But our accountability as moral free agents extends to eternity, and brings us as individuals before the judgment seat of the Eternal God. See the second lecture of Walker on American law, and the eighth chapter of this tractate.

It is, moreover, unreasonable and vain to attempt to force matters of religion. It is *unreasonable* to deny men the use of their reason, for whatever evidence or motives are presented, reason is the judge, and by its use only can we take cognizance of religion. *And force is vain*, for no man has power over the understanding or conscience of his fellow man. The great Theodoric said truly, when he was trying to soothe the rage of the Arians against the orthodox: "No belief is carried forward by blows." The tyrant may indeed put chains on the body, but the mind is free. Paul "reasoned of righteousness, temperance, and a judgment to come," before Felix, and preached before Festus and Agrippa in bonds. Force or bribery may make hypocrites, but cannot make men honest or acceptable to God. I consider, moreover, the use of the civil authority for placing the Bible in the schools, a reflection upon the power of the Gospel. It is doing for the Gospel what it does not ask us to do in its behalf. God is not worshipped with strange fire upon his altar. It is by the preaching of the Word of God, and not by imperial decrees, the world is to be converted. The Koran may require the sword, and establishments may require constables to collect their tithes, but it is a serious disparagement of the Gospel to promote it by violence. It is not given to the secular power, even if it is in the hands of Christian men, to be a striker for their own or the religious faith of others; "for God alone is Lord of the conscience," and His law alone is Supreme, for it binds *in foro conscientiae* as well as *in foro exteriori*.

The duty we owe our Creator, and the manner of discharging it, can only be directed by reason and conviction—by light and conscience—and not by force or violence. No human laws should intervene between the soul and its Maker. The conscience is God's seat,

and the Church is His Son's temple, and no human legislator should dare to desecrate the latter, nor human power undertake to control the former. The soul comes from the Eternal Father, and returns to Him. The State may provide for its entrance into the world, take charge of the body and civil rights of man at his birth, and protect him till he dies, and then bury or embalm his body, but it can do no more. Its jurisdiction does not extend beyond the grave. It were well, then, to settle it clearly in our minds whether in our desire for legislation in behalf of Christianity, we are not zealous above what is written—running before we are sent—and subjecting ourselves justly to the stern rebuke of the Master, saying, "Who hath required this at your hand?" Is not obedience better than sacrifices not appointed? It is, moreover, perfectly plain from our history, that Christianity does not need promotion nor support from the State. Our history proves that the peace and order of society are promoted by allowing every one to worship God in the way that is most agreeable to him. No human authority can bind an enlightened conscience. "The Almighty Creator is the only Lord of the conscience, and in His Holy Word he has given no authority to any man, or body of men, to control its dictates."*

Our experience as Americans proves, that entire liberty of conscience is not only compatible with the existence and safety of religion, but "that true Christianity operates with the greatest energy, and prevails in its greatest purity, where the Church relies, under the grace of its Lord and Saviour, on nothing to sustain and advance its interests, but the power of truth and goodness, and the impartial exercise of its own spiritual discipline." The worship of God must be free, and according to the dictates of conscience, or it is not the true worship which the Gospel requires, but base hypocrisy. Human power may extort sacrifices, but God alone can command the affections.

It were well, also, to remember that the rights of conscience have been, in times past, the most successfully assailed under the pretext of advancing religion. The flame and faggot have done their work, professedly for the glory of God. We cannot, therefore, be too jealous of the advances of the State. For if it be true, as has been said, that the whole human race, with the exception of the United States, is in religious bondage, how has it come to be so? Why, just in this way, statutes and decrees, bayonets and taxes, have been multiplied and multiplied, on the plea of making the people moral and religious, until the whole inner life is well nigh crushed out. "If a solemn act of legislation shall, in *one* point, define the law of God, or point out to the citizen *one* religious duty, it may, with equal propriety, proceed to define *every* part of divine revelation, and enforce every religious obligation, even to the forms and

* See Acts of the General Assembly of 1830, and Confession of Faith of the Presbyterian Church, *passim*.

ceremonies of worship, the endowment of the Church, and the support of the clergy.”*

We must remember, also, that RELIGIOUS DESPOTISM commences by combinations, and then operates upon the political institutions of the country, and the civil power bends under it. Extensive religious combinations, to effect a political object, are always dangerous. And when the government submits to them, a principle is introduced, subversive of the Constitution and of the religious rights of the citizens. And if, from the stress of such combinations, the Legislature is induced to define which day is to be kept as a Sabbath, or to vote away the moneys of the State for a chaplain, or a school that teaches any sectarian creed, then it may be consistent for it to build houses of worship and to support pastors, and, in fact, do all that a government can do for the maintenance of an established Church. The evils that follow from such a precedent, are so numerous that there is no other alternative left but to consider the government as “a civil institution, wholly destitute of religious authority.” “Our Constitution recognizes no other power than that of persuasion for enforcing religious observances. Let the professors of Christianity recommend their religion by deeds of benevolence; by Christian meekness; by lives of temperance and holiness. Let them combine their efforts to instruct the ignorant; to relieve the widow and the orphan; to promulgate to the world the Gospel of their Saviour, and recommending its precepts by their habitual examples. Government will find its legitimate object in protecting them.”*

There is such a thing as doing an act, in itself good, in such a way as to do more harm than good. It were better, infinitely better, to let some evils go uncorrected, than to correct them in such a way as to produce greater evils. If the tares are growing so thickly and with roots so intermingled that they cannot be pulled up without disturbing the wheat, then we must let both grow together to the harvest. Drunkenness, and Sabbath-breaking, and licentiousness, and shedding of blood by violence are great sins, and it may be within the power of the Legislature and of the Courts and the Police to prevent them, or, at least, diminish the number of occasions for the commission of such offenses; but it is always the duty of the Legislature to consider whether a greater evil is not committed than they have prevented, by legislating for the suppression of vice and the promotion of morals, by teaching the community to rely upon compulsory statutes for its morality and piety, and not upon conscience. Of course wise laws are necessary, and they must be obeyed, but this point is to be thoroughly studied; and the more so, since our laws are the emanations of the popular will. For whatever others may do, we cannot rely upon anything but principle and intelligence for our national morality. It does not follow that, because the social state is an ordination of God, that the State is charged with the duty of maintaining religion. Our Constitution and laws cannot recognize any form of religion, nor the ministers of any religion, in any

* Am. State Papers, vol. xv, 230,

way of discrimination and preference, over those of any other. It is clearly impracticable, then, for the State to touch a dollar of the public money for the support of religion, directly or indirectly. Nor is there any absolute necessity, in the nature of things, nor in the nature of Christianity, nor in the elements of a State, that requires the Church and State to be united, or wholly disconnected. They have been united, and they have been separated, and independent. They may coexist and be mutually independent, or the one may be absolutely in subjection to the other. These remarks might be greatly extended; but my only design here is, to show that the religious element in man is something so essentially different and distinct from his social and political constitution, that, although some political and social conditions are more favorable for its development than others, that yet it cannot be wholly distinguished in any. The political element is also distinct from the religious element in society, yet the greatest strength of a nation is only attained and made permanent when they are the most harmoniously united. But this harmony is not attained by mere legislative statutes or court rituals. The apostles did not call upon the secular arm to propagate their religion, nor to put down prevailing abominations. Their commission was general, and they were possessed of miraculous power; yet they never asked for the civil power to establish their faith. Nor did our Lord teach that the secular arm was to be employed in establishing his kingdom. The civil power is a very improper engine to be employed in a work of this nature. "All the service which the princes of this world can do to religion, is not to intermeddle with it at all, so as to interrupt the reformation which might take place in it from natural and proper causes, and for this negative assistance the friends of religion would think themselves under the greatest obligations to civil government."

I am persuaded that the failing to discriminate, in times past by, the friends of an orderly and quiet day of rest between the *religious* and *civil* relations of the Lord's day, has been the cause of much confusion and of some bitterness of feeling on the subject. If I am not greatly mistaken, those who are most zealous for Sunday laws are beginning to see that, under our Constitution, no laws can be made for the observance of the day in a religious sense; that is, that the magistracy can do nothing but protect citizens from outrages and nuisances in worshipping God, leaving them free to worship God or not as they may be prompted by conscience and a sense of duty. As a police regulation, or mere municipal law, and having regard to the sanitary and economical well-being of society, I think there is no doubt but the Legislature has the right, and that it is their duty to make laws that will promote the observance of a day of rest, and in doing this, protect those who worship God from unreasonable annoyances. But beyond this, I do not see that the Gospel requires any protection, nor that the Constitution gives any power to the Legislature. It is very certain that efforts for the better observance

of the Lord's day must be free from ultraisms in sentiment and from extravagance in plan, or they cannot succeed in an age so liberal and enlightened as ours. It is only such efforts that can prevail against "the rowdyism and immorality of ruffles and rags." This is the ground taken in the last Annual Report of the New York Sabbath Committee, a very able and temperate document.

It is not for me to say what is best in Europe, but I insist upon it, that in the United States, whose inhabitants have been gathered from every other land and whose organic laws, as I hope I have successfully shown, do not recognize or prefer any religion, the only safe course is an entire separation of civil and political affairs from spiritual. Under our laws, I consider it unconstitutional, unjust, oppressive and tyrannical, to compel the use of our Bible in the Public Schools. And I am decidedly opposed to any ecclesiastical action of any sect or Church, that asks the civil authorities to do anything that oppresses the conscience of a fellow-citizen. The organic laws of my own Church expressly forbid *any Synod or Presbytery meddling with civil affairs*. And on the other hand, I am as decidedly opposed to the Legislature making any compulsory laws as to the use of the Bible, both because the Legislature under our Constitution has no right to make such laws, and because no such laws can be made without doing violence to the conscience of some of my fellow-citizens, whose rights are equal to my own. I would do as I would be done by; and I am opposed to such aid from the Legislature, *for Christianity neither asks it nor requires it*. Let the province, domain and laws of the State and of the Church be kept entirely distinct. And let the great work of education comprise the highest and most thorough secular and spiritual training, with the purest morality and the most fervent piety; but let the State confine itself to its part, which is secular and civil, and the Church to its part, which is spiritual. If, fortunately, there is such a unanimity of religious opinions, that the State and the Church can work together at the same time, in the same school-houses and by the same teachers, then we say, let them work together, but let each one do its own work. But where such a compromise is impracticable, then let the Baltimore or the Prussian plan be adopted; or as I prefer, let all religious instruction come from the family, the Sabbath School and the Church.

XX.

No persecution allowed by our laws nor by Christianity for opinions.

"Far over yon azure main thy view extend,
Where seas and skies in blue confusion blend;
Lo, there a mighty realm, by heaven designed,
The last retreat for poor, oppressed mankind;
Formed with that pomp which marks the hand divine,
And clothes yon vault, where worlds unnumbered shine."

—Dr. Dwight.

"It belongeth of right unto mankind, that every one may worship as he thinketh best: nor does the religion of any man harm or help another.—Neither is it the business of religion to compel religion, which ought to be taken up willingly, and not against the will.—*Tertullian: translated by Dalgrymple.*

ALAS! that it should ever have been thought that the religion of perfect love require coercion—that the Gospel was to be propagated by fire and sword, statutes and decrees, and not exclusively by persuasion—by truth in love. Strange that men should be so long in learning that *protection* does not mean oppression—that Christianity does not require or allow the use of any pains or penalties for her advancement in the world. It is strange that under our free institutions there should be any diversity of sentiment as to the persecution of men for their opinions. Well, perhaps there is none. But let us see. Is it not true, that the first of woman born killed his own brother at the altar, and when engaged in devotion, or at least about his religion? Was this a type of the *race Adamique*? And did not the loving John call for fire from heaven to consume those that would not follow his master precisely as he did? But has not human nature improved? Is there not more liberality of sentiment and feeling now than in ages past? It is true, happily for us, that we are protected by our laws from the Star Chamber and the Inquisition. Nor are we in immediate danger of being burned, drowned or hanged as astrologers, necromancers, wizards and witches; but we dare not say that the unclean spirit of persecution has been exorcised from our race. There are many ways of persecuting men besides chaining them to the stake, or throwing them to wild beasts, or into fiery furnaces. Some of the greatest statesmen of Great Britain have died of a broken heart. Even William Pitt, the only man of his nation that appreciated the intellect of Napoleon died of old age before he was fifty.

Proscription for opinion is tyranny, whether it is shown by the cold shrug of the shoulder, the passing by on the other side, the averted eye, or by calumny, detraction, misrepresentation or slander—or by studied and open opposition. It has been the lot of most benefactors to mankind to be so far in advance of their times as not to be understood, and rarely have they lived to see the fruits of their toil; or to be appreciated by those for whose benefit they lived and died. It is also a remarkable fact, that the persecution of the wise, the great and the good in past ages has always been on the plea of doing service to God and the State—always for the public good, and to correct some impiety, or atheism, or prevailing immorality. The early Christian martyrs died as SOCRATES had done before them, because they would not worship the gods. In the days of our Puritan nonconformity, and of the League and Covenant, the excuse for persecution was the plea that the purity of religion and the advancement of the church, and the glory of God, required it. Opposition to, or even the refusal to submit to the forms and dogmas of church establishments, has always been construed into heresy, atheism and trea-

son. Even Lord MANSFIELD for some of his decisions in favor of civil and religious freedom was denounced as "a Jesuit in disguise," and "in league with the devil." It has always been so. The few cotemporaries that comprehend the heroes and martyrs of human progress were jealous of their fame, and the rest, who did not apprehend their discoveries, or inventions, or labors, were easily led to persecute them for their want of conformity to stereotyped prejudices and usages. The Quakers and ROGER WILLIAMS, and the Baptists and Methodists of our earlier day are witnesses of what I mean, and of what has been endured on our own soil for conscience's sake. Men have been cast out of the synagogue for no other reason than that they were not understood by their fellow-citizens, who had no right to sit in judgment on their opinions; and, besides, by men who did not wish to understand them, for they feared the principles and opinions which they were so anxious to suppress if known would condemn their own. But it must be easily seen that there is no freedom of conscience—no true liberty, such as the gospel gives—while there is a single fetter left upon the expression of religious opinion. There must be as free an utterance for a man's thoughts as there is for his breath. Neither the gospel, nor the Constitution allows of any interference with, or the infliction of any censure for mere religious opinions. *Every man has an inalienable right to perfect personal religious freedom.* And, hence, if we had the power this moment to pull down the Chinese places of worship in our midst, and by force of arms proceed to the islands of the sea, and to China, and India, and pull down, burn and destroy every pagan power and heathen institution—if we could by the power of legislative statutes, and by the sword, and by fire, destroy all the infidel books and pictures in the land—we would not do it. Christianity in the long run has never gained influence by the power of Cæsar. Her triumphs are all won by the Divine blessing on fair and honorable argument. Her great weapon is *truth in love*.

But does not the Bible authorize pains and penalties and even death for errors of opinion and heresies in doctrine? It is true, a great deal is said in the Bible against witchcraft, familiar spirits and idolatry. Moses and the Prophets have said a great deal against idols, images, sacred groves, and false gods—the gods of the heathen. And the most solemn denunciations are uttered in the name of Jehovah—the one, only living and true God—against false gods, and the worship of idols. Much more is said in the Bible on this subject than is generally supposed. And it is worthy of remembrance that dealing with familiar spirits, sorcery, witchcraft, false gods and idols—all come under the severest condemnation of the Bible. They are usually put together in the same catalogue.

The adversaries of the Bible urge that Christianity is not true, and that the Bible is a mere fable, because it teaches that idolatry was punished with death among the Jews—God's ancient people. They argue, that as we receive the Bible as the *Rule of Faith, and of*

Practice, so we must punish idolaters with death. The plausibility of this objection to Christianity rests on two facts:

First. It is true, the Jews did punish idolaters with death. And, *secondly*, it is true, that professing Christians have persecuted not only heathens, but one another, even unto death. But we affirm, even in the face of these two facts, that the wrath of man worketh not the righteousness of God. Persecution is not of God, but of the devil. It cometh not from above, but always from underneath. Persecution, whether of Heathens, of Jews, of Romanists, or of Protestants, is diametrically opposed to our holy religion. The religion of Jesus Christ is a religion of peace and good will toward all men. If professing Christians are bigots and warring fanatics, it is not their religion, but the want of it that makes them such. It is a gross abuse, and a total perversion of the Gospel, that makes it the teacher of fanaticism or intolerance. It is a mistake from beginning to end to persecute men for their opinions, political or religious, or for their want of any religion at all. Men cannot be carried to Paradise on an express railroad train, nor dragooned or bayoneted into heaven. It is only moral and spiritual habitude, which is the result of truth and not of force, that can fit men for the joys of the world to come. Heaven is of free grace, and not by power. We offer no apology for persecution. We assent heartily to the fullest measure of its odiousness and condemnation. We teach that "God alone is Lord of the conscience." Our understanding of the Gospel is that all men are to be absolutely free to worship Him, that they may do so in whatever way they desire, provided their manner of worship does not egress on the rights of others, or come in conflict with the laws of the land.

The strongest and the earliest assertion of religious liberty is found in the answer of PETER and JOHN to the magistrates who commanded them to teach no more in the name of Jesus, when they refused to obey, saying: "Whether it be right in the sight of God to hearken unto you more than to God, judge ye."—Acts iv: 10. And according to this apostolic doctrine, the Roman Emperor, CONSTANTINE the Great, the first Christian Emperor, issued an edict giving liberty to the Christians and Pagans to follow their own religion.

I would then answer the unbeliever's argument against Christianity, because of the Hebrew punishment of death upon idolaters, in the following manner:

1st. The Jewish dispensation was one of sacrifices. Ours is one of mercy. The Hebrew Government was a theocracy. Ours is one of human laws and human rulers.

2d. Death for idolatry was emphatically a Jewish punishment; that is, it was a mere police regulation among them. It was enjoined by MOSES, but not for the punishment for idolatry in the abstract. The idolater was not to be put to death simply because he bowed down before a stock or stone. His guilt was aback of this, and lay deeper, far deeper than what appeared in his mere outward acts.

3d. MOSES was not authorized to put any one to death for idolatry but a Hebrew. He had no commission thus to punish idolatry in a Heathen. Why, then, were Jews to be punished with death for idolatry?

First. Because they were God's *chosen, peculiar representative* people. And the great point and subject of their representativeness was, that they might bear testimony amidst an idolatrous world to the Divine unity and spirituality. No Jew could, therefore, be an idolater *ignorantly*.

Secondly. No Jew could be an idolater without being guilty of high treason to his God, for God was both his deliverer and supreme ruler. His government was a theocracy; God was the head of the Jewish Commonwealth as well as of the Hebrew Church. A Jew, therefore, who was an idolater was guilty of treason against the State, and for treason was to be punished with death.

Thirdly. The Jew, then, who was an idolater, was guilty of *hypocrisy, ingratitude, perjury and high treason*, and as such, surely we may allow that he was rightfully punished with death. The public safety did not allow him to live.

Fourthly. But in saying that the idolater among the ancient Jews was put to death, we do not say that he was put to death according to the law of the Ten Commandments. We do not find any authority in the *moral* law to punish men with temporal pains and penalties for offenses against religion, unless they are offenses *per se* also against the State. A mere national or police regulation of the Jewish commonwealth is not binding upon other nations. There are principles of national law and of international law that all nations recognize, but it does not follow that the national institutions of all countries must be alike. Forgery and theft and adultery were, I believe, at one time punished with death in Great Britain; but it does not follow that all nations that acknowledge the same natural laws and the same great principles of international law that Great Britain does, must adopt the same internal policy. So in like manner, we may hold to the same theism that MOSES taught, we may even allow the decalogue given by MOSES from God to the Hebrews to be a part of our common and statute law, and yet not be by any means under obligations to punish any of the violations of the Ten Commandments with death, as the Jews did. The Ten Commandments, as given in the tables from God, have no temporal pains and penalties attached to them. As thus given, they are set forth, like the knowledge of the Divine unity and spirituality revealed to Abraham and the patriarchs for all mankind. It was only when and in the degree that any part of the decalogue was incorporated in the Hebrew polity, and made a part of their national police government, that pains and penalties were attached to its violations. And it was enough that in attaching such pains and penalties to offenses, they did not go beyond the law of God, nor violate the principles of natural justice. We may surely adopt or incorporate into our jurisprudence and national policy the

same principles of natural law that are acknowledged by the great nations of Europe, without obliging ourselves to adopt monarchy as the best form of government. We may adopt the common law of England in the main, and the civil code of France, so far as is consistent with our distinctive institutions; and Great Britain, France and the United States may acknowledge the same great international laws; and yet, surely, we are not on any of these accounts obliged to support the Church by the state as is done in England and France. So I apprehend there is no difficulty—no inconsistency in our believing that a Christian Sunday is of perpetual moral obligation, and yet that the man who violates it is not to be punished as the ancient Hebrew Sabbath-breaker was. We wish that the Lord's day may be kept as a day for rest and for moral, mental and religious improvement; but we believe it to be contrary to the Gospel to have any civil disabilities or bodily pains laid upon those who refuse to worship God on the Sabbath. And exactly on the same ground do we place idolatry. We find the worship of idols punished by the ancient Hebrew law. And we find sufficient reason for this punishment. It was an internal, national, municipal, or police law that appointed death to the idolatrous Hebrew. But it does not follow because we adopt the decalogue of MOSES, which forbids the worship of images, that we must persecute idolaters and punish them with death. Certainly not. No pains or penalties are attached to the moral law on this subject, as we find it promulgated in the statutes of the one living and true God. Nor have we any amendments authorizing us to compel men to worship God. I do not then find in the Constitution nor in the Word of God any right or power to interfere in any way with the perfect religious freedom of any man—not even the power to inquire whether he has any religion at all, nor what kind of religion he professes, except by way of benevolent enlightenment. We are not commanded to lead revolutions and carry fire and sword over the earth, because men are not of our way of thinking. Our great commission is to *teach* all men the knowledge of the true God and of His Son Jesus Christ, whom to know aright is life eternal. Our mission is not to destroy, but to save men's lives; to teach all nations and preach to every creature the sovereign love of God.

Idolatry was punished by the law of MOSES, not because it was a sin against God, but because it was a crime against the State. As the government was a theocracy, idolatry was high treason. But that a Christian State is authorized from the Mosaic economy to extirpate religious error by force, or to propagate the truth by the sword, or to teach religion by legislative decrees, cannot be shown from the Bible. "For," as Mr. LITTON in his Bampton lectures, says, "not until it can be shown that God has delivered to a Christian State a law prescribing the manner in which He is to be worshipped, and made that law part of the civil constitution of the State, will any argument from the supposed parallel of the Jewish economy hold good."

The true way to advance Christianity was pointed out long ago by a distinguished "doctor of the law," who "had reputation among all the people." "Refrain," said he on a memorable occasion, "from these men, and let them alone; for if this counsel or this work be of men, it will come to nought. But if it be of God, ye cannot overthrow it; lest haply ye be found even to fight against God."—(Acts v: 38, 39.) The weapons of our warfare are not carnal, but spiritual; nevertheless they are powerful through God, to the pulling down of all principalities and powers that set themselves against the gospel. The kingdom of God cometh not with observation; it is not a religion of "pomp and gold"—and it consisteth not in the loud sounding of trumpets, nor in joyous rituals and glittering pompous ceremonies. It is righteousness, serene peace and joy in the Holy Ghost. Nothing can be more widely apart than the spirit of the gospel and the malignant spirit of party and sect, that would call down fire from heaven upon those that do not walk with us. The very worst perversion that can be done to religion is to convert it to the purposes of faction. I am persuaded the abuse of the gospel, and the perversion of its sublime truths and precepts to party factions, has done more harm to the church than all the infidelity ever breathed out of hell. The political ranting of the pulpit has well nigh destroyed our fair patrimony. If I love not my brother, whom I have seen, how can I love God whom I have not seen? If I hate my fellow man, because he is not a Christian, then I am not a Christian myself. If I will not allow my neighbor to go to heaven in any other than in my own narrow sectarian way, then I am not going to heaven myself. Persecution is as unwise as it is impious and cruel. It is folly in the extreme. "When man undertakes to be God's avenger, he becomes a demon!" "It not only," says a vigorous writer, but I know not who, "opposes every precept of the New Testament, but invades the prerogative of God himself. It is a usurpation of the attributes which belong exclusively to the Most High. It is a vain endeavor to ascend unto His throne, to wield His sceptre, to hurl His thunder bolts. And then its history proves how useless it is. Truth is immortal; the sword cannot pierce it; fires cannot consume it, prisons cannot incarcerate it, famine cannot starve it; all the violence of men, stirred up by the power and subtlety of hell, cannot put it to death. In the person of its martyrs it bids defiance to the will of the tyrant, who persecutes it, and with the martyr's last breath predicts its own full and final triumph. The Pagan persecuted the Christian, but Christianity lives. The Roman Catholic persecuted the Protestant, but yet Protestantism still lives. The Protestant persecuted the Roman per Catholic, but yet Catholicism lives. The Church of England persecuted Nonconformists, and yet Nonconformity lives. When persecution is carried to its extreme length of extirpating heretics, Truth may be extinguished in one place, but it will break out in another." If opinions cannot be put down by fair and honest arguments, they cannot be put down by bayonets and ecclesiastical decrees. "Truth,

like a torch, the more it is shook, the more it shines." As the blood of the martyrs was the seed of the Church in primitive times, so now Truth often goes from the Cross triumphing. It is sure of victory in the end, not only by its own evidences, but by the suffering of its confessors.

If then we are the sincere followers of Christ, and are zealous that His truth shall prevail among men, and peace be established on earth, we must allow men to judge for themselves, and embrace the opinion they think right without any proscription or without any hope of reward or any fear of temporal punishment. The relation of the State to Idolatry I have endeavored to make thus prominent, not for any political or commercial bearing it may have. My aim is higher. I am seeking to find out in the light of history and philosophy, and from a gospel stand-point, our duty as Christians and patriots to these people, who from afar, are now among us with their gods. And I am sure the way to emancipate them from the power of heathen darkness, and to convert them to Christ is not to oppress them as strangers, nor to discourage them in their honest toils, nor to harrass them with any unnecessary laws, nor to invoke the aid of the secular power to build dungeons for them, if they will not worship our God as we do. We are not to ask for legislative enactments to pull down their temples and prohibit their worship. No. There is a more excellent way. We are to teach them by the law of kindness. We must exercise patience and forbearance toward them. We must set them an example of high-minded, honorable treatment, and of generosity and of justice. It is by our Christian deportment, and not by legal statutes, that we are to win them to the truth. They will judge of our God by our treatment of them. They will decide for or against Christianity as they see our lives to be correct or ungodly. We must, therefore, pray for them and unceasingly strive to drive the darkness out of their heathen minds by pouring in the light of truth, especially the light of the GLORIOUS GOSPEL OF THE GRACE OF GOD.

XXI.

Concluding Words.

I do not assume, fellow-citizens, to be a political philosopher, nor a statesman, nor have I addressed you in these pages from the sacred desk. I speak to you only as an humble citizen, and a life long student of the Word of God; and I have tried, in so doing, to present to you some views on the *true relations of Christianity to our organic laws*. And I have felt it the more to be my solemn duty and privilege to contribute my humble share toward the elucidation of this

very difficult and important subject, because this is "my own, my native land." The fathers of the Revolution are my fathers. My sires in the old and new world have all been on the side of civil and religious liberty. They have done their duty on the battle fields of the Middle and Southern States. Nor will I allow any man to cherish a more profound veneration for the early settlers of this continent, and the framers of our Constitution, than I do. And as I bless their memory, so would I preserve, for coming generations, the glorious institutions they have bequeathed to us, in all their purity and vigor.

Those who have not observed the tone of some of our religious newspapers and their correspondents, may not be aware of the excitement that has grown up among them, nor of the bitterness they indulge toward foreigners, and those who do not think as they do. It is amazing what gross mistakes and misapprehensions have been industriously circulated as to the sentiments that I hold on the subject-matters of the foregoing pages. And as I am not willing, especially *on account of my friends*, to be represented as the advocate of erroneous views which I utterly repudiate, I have felt myself to be under the necessity of using an exuberance of illustrations, and of amply-fying points; and repeating limitations and explanations, that under any ordinary circumstances I should not have done. I feel almost ashamed of the earnest plainness of the arguments and illustrations I have thought it necessary to use. But I have done so from choice, because the whole subject is new to many, and my views are represented as "startling to many honest people," and familiar to but few; and besides, as I am not writing for the learned professions, but for my fellow-citizens of all conditions, and for many to whom, possibly, our tongue is not native, and who are not familiar with our laws, I have therefore thought it best to keep certain points steadily before the mind, and to repeat some views from several different standing places. I have tried to write to be understood, not to make flowing periods.

The patient reader, who has done me the honor to follow me thus far, is convinced, I hope, that this question cannot be settled by abusing Catholics, and cherishing prejudices against foreigners. Nor is it a mere question between Catholics and Protestants. It involves the greater question of the union of Church and State—and I think, also, that it will be found, upon a calm review of our history, that we have done some things in our zeal for Christianity that are dangerous precedents under a popular government like ours—that, in fact, without intending it, but under the influence of traditions from our fatherlands, and from an honest desire to promote morality and religion, we have often done, and desired our legislators to do, what they ought not to have done. We have wished and caused them to do what was inconsistent with our doctrine of the total separation of the Church from the State. The asking legislative aid in any way to sustain and promote *our* Christianity, is, in my judgment, unconstitutional and unwise. I do not believe that, as Protestants, we gain

anything by it, but put every thing in peril. We Protestants, being in a numerical majority now, should say and prove our sincerity by our conduct, that we do not ask, and will not receive, any legislative favors; nor will we allow Catholics or anybody else to do so. I do not like this propensity to call upon Hercules to help us to do what as Christians we should do ourselves. I like not this besieging the Legislature to do this and do that for the promotion of religion, and especially for the advantage of our Bible. *I would not teach such a thing to the Jesuits.* It betrays, moreover, fear on our part. If two boys are fighting, and one calls in a third to his aid, is it not a plain confession that his antagonist is too strong for him? The case is a very simple one. Catholics and Protestants are antagonistic religions, and a part of the difference between them is their use of different versions of the Holy Scriptures, and the Protestants call upon the Legislature to help them to compel the Catholics to submit to promote the reading of their version, and that too under a government that has no religion, and knows neither party as to their creeds. *I do not believe that, as Protestants, we are benefitted by any legislative enactments in our favor; but in the end will find every one of these statutes an evil.* I have erred in the understanding of history, if the union of the Reformers with politics has not been a great hindrance to Protestantism in Europe. It is my opinion, speaking after the manner of men, that if the Protestants of France had not joined themselves to the government, that France would this day have been a leading Protestant nation. But not only so, but all attempts to restrain free inquiry, and to fetter the advancement of liberal ideas, and true knowledge will fail. Men may be worried, and suffer inconvenience for holding opinions that are not popular, but if they are true, they will prevail, and if they are not true, no power on earth can make them beneficial. And again, the correlative of all this legislation for the promotion of our Christianity, is an implied power to put down, by the same means, everything that is opposed to it. But surely we are not again to have the horrors of Smithfield or of the inquisition repeated, and that in America. I trust in God that the dark night of punishment for religious heresies has past away for ever. I do not believe in any proscription or persecution for political errors or religious opinions. Truth is never promoted by such means, nor are those who hold them ever truly converted from them by such agents. Proscription and persecution harden the heart, but never convince the understanding. And as errors are but imperfections of the understanding, the only way to correct them is to enlighten the understanding. *The only way to get darkness out is to let light in.* A man's thoughts are really known to nobody but himself and his God—perhaps not clearly understood by himself. All laws then for the punishment of opinions are unjust and cruel. Argument should meet argument, and facts be opposed by facts. The criterion of our standing in society is our conduct, not our opinions. The law asks what have we done, not what we think. Compulsion makes dissem-

blers or hypocrites, but never inspires true piety. Suppose my neighbor is a Deist, and I wish to convert him to Christianity, by replying to the major in his syllogism against the Bible by a blow on the head, and to his minor, by imprisoning his person; and to his conclusion, by setting the populace against him with the howl of infidelity, as if he were a mad dog. And will this convert and save him? Is it thus he is to be brought to his Saviour and restored to his right mind? But if fine and imprisonment, civil disabilities, are bad forms of a syllogism, so also are private reproach and public obloquy. O, when shall we learn that Christianity prevails the most when left to take care of herself!

And as I do not believe the cause of Divine truth requires us to call in the aid of the civil authorities to teach the Bible, so neither do I believe that the not reading of the Bible by Statute law in our Public Schools will cause virtue and morality to perish out of the land. If I could be made to believe that the Bible required the aid of the civil authorities to maintain itself in the world, I should seriously call in question its divine origin. If I believed that our Gospel called upon us to propagate it by the power of the civil magistrate, I should doubt its divine mission. The argument, then, that the State must make the Bible the basis of our Public Schools, because there is no other way by which it can be taught to its millions of children, is but a round about way of saying, the State must adopt the Protestant Bible and establish the Protestant religion. My friends have not produced a syllable from our organic laws, that requires or even allows the State to do this, nor have they cited a single text from the Bible, that is addressed to the State, commanding it to do this thing. The Bible is the Word of God, and we are to read it and believe it; but *the Bible does not command Cæsar to make his subjects read it.* Our Lord did not command the civil rulers to preach His Gospel to every creature. All His commands are to His professing followers, as individuals and as members of His Church, and not to them as politicians or legislators. The great weapons of His Church are knowledge, truth, light, moral persuasion—His Word and Spirit. They are spiritual, not carnal. Our Lord's disciples went out to preach without any civil enactments in their favor, and they kept on preaching the Gospel, in spite of the secular power, until they carried his banner victoriously over the whole Roman Empire, and planted it on the throne of Cæsar himself. The Church of Christ went forth weeping from his cross for the conquest of the world, armed neither with legislative statutes nor with the sword; and all her real victories are the conquests of love. It is not by Cæsar's might nor power, but by the Spirit of God the world is to be converted and saved.

In almost every government in the world, except ours, religion is so much a creature of the State, that the union of Church and State is a political axiom. In fact, it was to escape from this tyranny, the very tyranny that belongs more or less essentially to religious estab-

lishments, that most of the colonists who first settled this continent left their homes. They came for *freedom to worship God themselves*, but unfortunately they had not fully learned to let others live among them enjoying the same freedom. And in fact we are all slow in learning to trust the truth and to rely upon its own goodness, and upon the Word and Spirit of God. I was very much impressed with some remarks of Lord Carlisle on the circulation of the Bible, at a recent meeting of the British and Foreign Bible Society. After saying that he should prefer himself to have the whole Bible circulated in its purest form, still, when that cannot be done, then he would aid in circulating the Douay version, or the Diodati version, he goes on to say :

"I should feel very reluctant to pronounce any positive dogmatic opinion upon the precise measures in which the concerns of government, of education, and religion ought to be dealt with in India. As a general principle, however, I should say, *that the more we can separate the direct agency of government influence from the spread of gospel truth, the better it will generally be for the interests we have most at heart—namely, the spread of that very gospel truth.* I think that nothing can be so ill associated together as the Bible and the bayonet; and what would almost be as ill-paired together would be the Bible and bribery. *The more, therefore, we separate official compulsion, or official allurements, from the cause of the gospel, the more anxious we should be to see private effort, private benevolence, private piety and private self-denial, occupying the widest range and working in the largest field of action which they can find for themselves.* I hope that nothing I have said will be misconceived as implying an opinion that the individuals of the government ought to show themselves indifferent to that which is the first and highest duty of every man. Where, however, the government may not enter, private zeal and private efforts may; and where can they find a more appropriate or august theater than in that ancient and populous empire of India?"

It is not true, then, that the country is to be without religion, and our children are to be "robbed of their Bible," if it is not used by law in the schools. By no means. The only question at issue here is as to the best means of making religion prevail with the most efficiency, and of bringing our children as well as the adult population the most fully under the influence of the Bible. And, as Lord Carlisle says, so I believe, that "the more we can separate the direct agency of government influence from the spread of gospel truth, the better will it be for the spread of that very gospel." And "the more we separate official compulsion from the cause of the gospel," the more need is there of private zeal and missionary effort, and the more will that gospel prevail. If we violate our organic laws, and do what the gospel does not authorize us to do, in trying to have the Lord's day kept holy, and the Bible read, then we do more harm than good. But in not compelling the use of the Bible

in the Public Schools, there is no robbing of the children of their Bibles. Every child in the United States may have a Bible for the asking of it, and may read or hear it read every day in the year, and call upon God in prayer, without let or hindrance from legislators, school directors, or bishops. As to their need of the Word of God, that no one denies; but do they not need bread and clothing? And is it the duty of the State to deny all liberty to personal efforts, and out of a common wardrobe and granary supply every one's wants? There is just as much reason to say the State robs our children of bread, because it does not turn purveyor to every family, and employ some one with a spoon to feed our children, or that it robs them of their clothes, because it does not send some one to put them on. If our children are not clothed, they will be naked: if they are not fed, they will starve to death. But must the State, therefore, assume the duty of meeting every individual necessity? And even if the State did this, in regard to temporal matters, there is still the greater question to settle, as to the State interfering with a man's conscience or personal religion. All civil matters properly belong to the State, and, in some measure and under peculiar circumstances, it might undertake the feeding and clothing of its children, and provide for their secular education; *but it cannot compel any measure, or act, or rite, or ceremony of a religious nature.* And as to the grandiloquent strain about the "outrage on the conscience of twenty millions of enlightened evangelical Christians, in allowing a minority of some two or three millions of ignorant foreigners to govern them:" I have only to beg a reference back to my seventeenth chapter, and the candid request, that the authorities may be given, from the Bible and from the Constitution, that distinguish men and citizens, by numerical majority-consciences, and give the right to a majority to lord it over the conscience of a minority.

It is admitted that religion is essential to our well-being, but so is bread. Must the government, then, clear the ground, fence in the land, plough and sow, and make laws compelling every man to work so many hours? Such is not our idea of political economy. Such is not the practice of our government. The government sells the farmer a piece of land, which he is to hold in fee-simple, subject to a small tax, to be levied according to law—according to laws which he and his fellow-citizens may ordain—and the government says to him, Build you a house, and it shall be your castle—plough, and sow, and reap, and the fruits of the earth are your own, and you shall be protected. The largest freedom is allowed. And the same course; *mutatis mutandis*, is pursued in regard to religion. The government, *per se*, has no religion. It does not undertake to furnish or to teach any. It regards religion as so sacred, private and personal a thing, that it leaves it altogether to every one's own conscience. The government does not recognize religion as a qualification to citizenship, nor to any of the duties or offices over which it has control. Accordingly, it does only one thing, and but one thing, in regard to

religion, and that one thing is not toleration, but absolute and equal freedom to all, making no discrimination and showing no favor, but leaving all and each one to have whatever religion, or none, as he may himself choose, and to support and propagate his religion, if he has any, in whatever way he pleases. I hold it, then, that this plea, that the State must place the Bible in her schools, is only asking the State to do indirectly and covertly what she cannot do openly, and ought not to do at all. Under the disguise of education, religion, and even sectarianism is concealed. As the State undertakes to educate its children in secular knowledge and fit them to be citizens, a new duty is imposed—namely, to teach them religion—the Protestant religion—and yet the State knows no religion, and requires none in its citizens or office-holders. *I fear these Greeks bringing gifts. I would neither give the axe a handle, nor allow the Trojan horse to come within the gates.*

The stereotyped argument, that the State must place the Bible in the schools, or our country will be ruined for the want of religion, is precisely the plea used by the people of Connecticut, Massachusetts and Virginia for the establishment of religion by law. They said: "The happiness of the people and the good order of civil government essentially depend upon the piety, religion and morality of the people;" therefore, they established religion by law. The argument for the compulsory use of the Bible in the schools, is precisely the same that is used in Europe for taxes and tithes, and a constabulary police to collect Church rates and keep up religious establishments. Every thinking man, who believes in the truth of religion at all, will admit that it is the greatest blessing on earth. But this is not the question. The true question is, can we best promote vital religion among the people by government aid and compulsory statutes, or by depending on the Word and Spirit of God? This is the only question, and I answer the latter method is the only one known to the Gospel, and the only one we have a right to use under our laws. Individual efforts, associated voluntary efforts, the Press, the Pulpit, the family and the Church are the great teachers of morals and religion.

I confess that I am not able to comprehend what my friends mean, who say, they do not wish religion to be taught in the schools, and yet wish the Bible to be used, wish the State to give the children a religious education without teaching religion! When I ask how the Bible can be taught without teaching religion, and how a child can have a religious education without being taught religion, they answer by saying, that they "separate the feelings, experience and morals, the sentiment of religion from the religion itself." But this is a new kind of mental philosophy that I have not studied, nor do I believe that I can comprehend it. I have been taught that "truth was in order to goodness;" that there is an essential connection between what a man believes and practices; that a man is responsible for his belief as well as for his actions; that as a man thinketh

in his heart, so is he. I do not know how to teach religion, and yet not teach it. Nor can I see how it is possible to separate precepts from principles. When my child is taught grammar, I do not suppose he is to be taught "the feelings, experience and sentiment" of the art of writing and speaking, without being taught the fundamental rules of the language. Does not the teaching of astronomy include the elements, as well as the practical art of making observations in the heavens? How can the latter be taught without the former? How, then, are our children to be taught to be religious—"a knowledge of the being and attributes of God, regeneration, the fall, the doctrine of the atonement, all that is necessary for their conversion and salvation"—without teaching them religion? For one, at least, I protest against having my children taught any such religious "feelings, experience and sentiments" in the Public Schools. I wish them, when they are taught religion at all, to know that it is religion they are being taught, and to know on what authority its claims rest, and that it be taught to them as an open, honest, avowed system of faith, knowledge, experience and godliness; and not as mere "feelings," "sentiments," and the like, that are smuggled into the school. It is well known that in all our colleges and theological schools, that mental and moral science are essentially connected, and that our lecturers in the schools of the prophets begin to teach them Divinity by teaching them mental science.

There is another view of this subject that is worthy of more extended consideration than I can here give it, and yet I cannot wholly pass it over. It is this: I would not have the school fund divided, nor any sectarianism, of any shape or color, introduced into them, because I regard the Public Schools as one of the very best, if not altogether the best means we have of *thoroughly Americanizing our children*. But this will not be done if the fund is divided, or if such religious rites are introduced as must separate the schools into districts, according to their religions. The Public Schools are important not only because they awaken the intellects of the children, but also for exciting their gratitude to the country that educates them—in awakening their patriotism and love of home. I do not then simply mean that by developing their minds they are better prepared for the pursuits of life, and the duties of citizenship. For though this is true, there is a greater sense in which the Public Schools *Americanize* our children. It is true that every addition to science, every fact, every fresh truth, and every new idea that is brought within the reach of our children in the Public Schools, is a germ of power added to the nation. The poetry, eloquence, grace of wit and of manners, the glowing of the imagination, the depth of thought, and the discipline of the mind—all the acquirements to be had in the school room—are so much added to our power as peoples, if received and improved with the right moral dispositions. But I now refer more particularly to the cultivation of *kind feelings, and the growth of school boy friendships between the children of stores that warred*

against each other under hostile banners in other hemispheres. To secure so powerful an enginery for thoroughly Americanizing the children of our foreign population, I would remove from the administration of our Public Schools everything that is really obnoxious to any religious sect, church, or denomination. I would have our Public Schools stand on the same great basis or platform that our federal government does—open alike to all nations and all sects, and favoring none. And I know of no process—I believe there is no method—by which the children of foreigners may be so rapidly and so effectually Americanized as in our Public Schools. And for this very reason I would keep the Public Schools as free as possible from everything that has a tendency to prejudice foreigners against them. They are our greatest institutions for naturalizing and Americanizing them. The fusion of so many different peoples must be slow, but by the help of the press and the pulpit, and the Public Schools, it can be done. I cannot conceive of a more pleasing sight to an enlightened patriot, than to see the children of foreigners and of natives, of Protestants and Catholics, gathered into the same school, reading the same books, and their hearts and minds being opened and moulded by the same toiling teachers, and left free all this time from the bitterness of rival sectarians. And think you these children will not love each other as brothers, and respect each other's opinions and rights as men and as citizens, as they jostle and elbow one another through life. But it is perfectly plain, that to *Americanize* our children in this way, all religious creeds and feuds must be strictly kept out of the schools. It is only a very narrow prejudice, or a very bitter bigotry that says in reply to this, when foreigners come among us, "they must do as we do. They should leave their religion and politics at home." Why then have we thrown our banners on the outer wall, and said to all mankind, come, and you shall be equal with us. We have invited them to come, and when they come, we begin to oppress them by violating our organic principles! But, it is said again, nothing will satisfy those who object to our Protestant Bible. It is in vain to try to make American Christians out of them. I answer, yes, it is in vain, utterly hopeless, if you persecute or oppress them. But if we do our duty, then we are free from farther responsibility. We can open the fountain, if we cannot compel them to drink.

But my friends urge with great zeal, that our Bible must be placed in the schools, because it has been blest to so many millions, and because it has been so blest, it must be the Word of God, and is the best and only proper translation, and must therefore be used in the schools. I believe it is the Word of God, and that it is the best version in the world, and yet I do not believe we should compel men by stress of law to read it; and I do not so believe, because the Word of God does not teach me to do so. "But millions are now singing hallelujahs in Heaven," because they had our Bible to read. "God has honored and blest it to the conversion of millions of souls," and

therefore it is His Word and must be placed in our National Schools. I see not the force of this reasoning. Is it true that only perfect infallible agencies are used as instruments by the Holy Spirit for converting men? Were the Apostles, who planted the Church of Christ throughout the world and converted so many nations to God, perfect men? Did not Paul once speak of being a cast-away himself, after having been used as the agent of saving others by preaching the Gospel to them? Did not Balaam prophecy goodly things of Jacob, and yet fall in battle, fighting against Israel? Did not Judas work miracles as well as Peter? The fact that God has used, has honored and blest our version to the conversion of men, does not prove that it is a perfect, nor even the best version. I think it is the best version, but I do not know that any version or manuscript is absolutely perfect. But surely God may use our version for converting men and comforting his children without requiring us to make our fellow men read it. Nor does this honoring of our translation prove that it is perfect and not sectarian. Is not the Pilgrim's Progress a sectarian book, and yet how many souls have been blest by reading it? Must it be placed in the schools? Was not John Wesley a leading sectarian? And yet he was honored of God to do a great work. Many men and many books have been greatly useful, honored and blest of God, that were not perfect. The worst form of Christianity on earth is unspeakably better than Paganism. Even Mohammedanism is better than Heathenism. The Romish Missal and Douay version have been blest to many souls, and so also the Episcopal Prayer Book; but does this prove that it is the only true form of service, and that it must be placed by the civil authorities in our Public Schools? I am amazed at such pleas. The treasure is in earthen vessels, that the excellence may be of God and not of us. In fact, I confess my astonishment at this whole train of argument, which is the stereotyped one all over the country, for the compulsory use of the Bible in our National Schools. It runs in this style: Our translation is the inspired Word of God, a knowledge of it is essential to our morals and well being, and to our salvation; therefore, it must be placed by law in our Public Schools. But the Catholic says, our version is the inspired Word of God; and by our laws, he has just as much right to say, that his version is the Word of God, as we have to say that ours is the Word of God, and he has a right to claim that his version is as important to the morality of the country as ours, and to ask the government to do just as much for his Bible as we ask it to do for ours; and so the Hebrew, the Mormon, the new-version Baptist, the Episcopalian with his Prayer Book, and the Deist with Hume's essays, may all come forward for government patronage. I do not say that all these could present equal claims as to the intrinsic merits of their several books; but I do say, that none of us has any right to ask the government for any decision of such controversies, nor for any favors, and that the government has no power to decide any such claims, but must ignore them all alike. *We must not give*

a handle to the axe. When the Protestant comes with King James' Bible under his arm, the Episcopalian with his gold-clasped Prayer Book, the Catholic with his velvet covered Missal, and the Turk with his parchment scroll containing the Koran, which he says is God's Holy Book, and the Israelite with his sacred roll of Moses and the Prophets, and knocks at the treasury door of the government, or calls at the war office, for scrip, and purse, and sword, to sustain and promote and propagate the religion of their sacred books; and the Deist stands by, laughing with scorn and saying, you are all fools, fanatics, hypocrites; God has not given any of you a book, there is no Bible—all we know of God is from reason; then what is our government to do? Why, of course, it says, gentlemen, I do not know anything about your quarrels; I do not know any of your Bibles. I have no religion myself. I leave all that matter to your own consciences. All I have to do on the subject is to keep you from hanging, or imprisoning, or burning, fining and whipping one another in your zeal for your several religions. Go, therefore, and enjoy equal and perfect religious freedom, but do not offer any violence to each other, for if you do, I must punish you for the violence; not for your religion or the want of it, but for your trespassing on the rights of your fellow-citizens.

I have already said that I regard many of the advocates of the views I am opposing as honest and patriotic men. I do not believe they desire a union of the Church and the State; but, at the same time, all their arguments and principles lead in that direction, and, in my opinion, if carried out, must lead to such a result, and to great social disturbances and the dishonoring of our holy religion. This is not what they wish, nor do they believe that such is the tendency of their views. But neither does the boatman, in the stream above the cataract, wish to go over the precipice, but he may, nevertheless, allow himself to come so near and become so powerless, in the rushing, sweeping waters, that he cannot help it. He never intended to be dashed to pieces in the foaming whirlpool.

"Opposed to the Bible!" "An enemy to God's holy Word!" NO. Is a man *opposed* to Jesus Christ, and an *enemy* to Him, because he does not believe that His kingdom is of this world, or that it is to be promoted by carnal weapons—because he does not believe that Christ requires us to compel men, by fire and sword, by fines or imprisonment, or other civil disabilities, to hear His blessed Word read or preached, and to believe on Him, under pain of death? If so, then many of the most godly, and pious, and able, and learned men that have ever lived—men whose shoe-latchets we are not worthy to unloose—have been enemies of Jesus Christ.

Our conclusion, then, is simply this: According to our laws, and according to our understanding of the Gospel, we are not to use any means for compelling our neighbors to read or hear the Bible read, that are not proper to get them to hear the Gospel preached. We are not to employ any more or any other kind of compulsion or coer-

cion, in order to make adults and children read or hear the Word of God, than we may use to induce them to believe in Christ. And hence we are opposed to any law that may compel the teachers or school directors to use the Bible, contrary to their own or to the conscientious convictions of any of the parents of the children in the school.

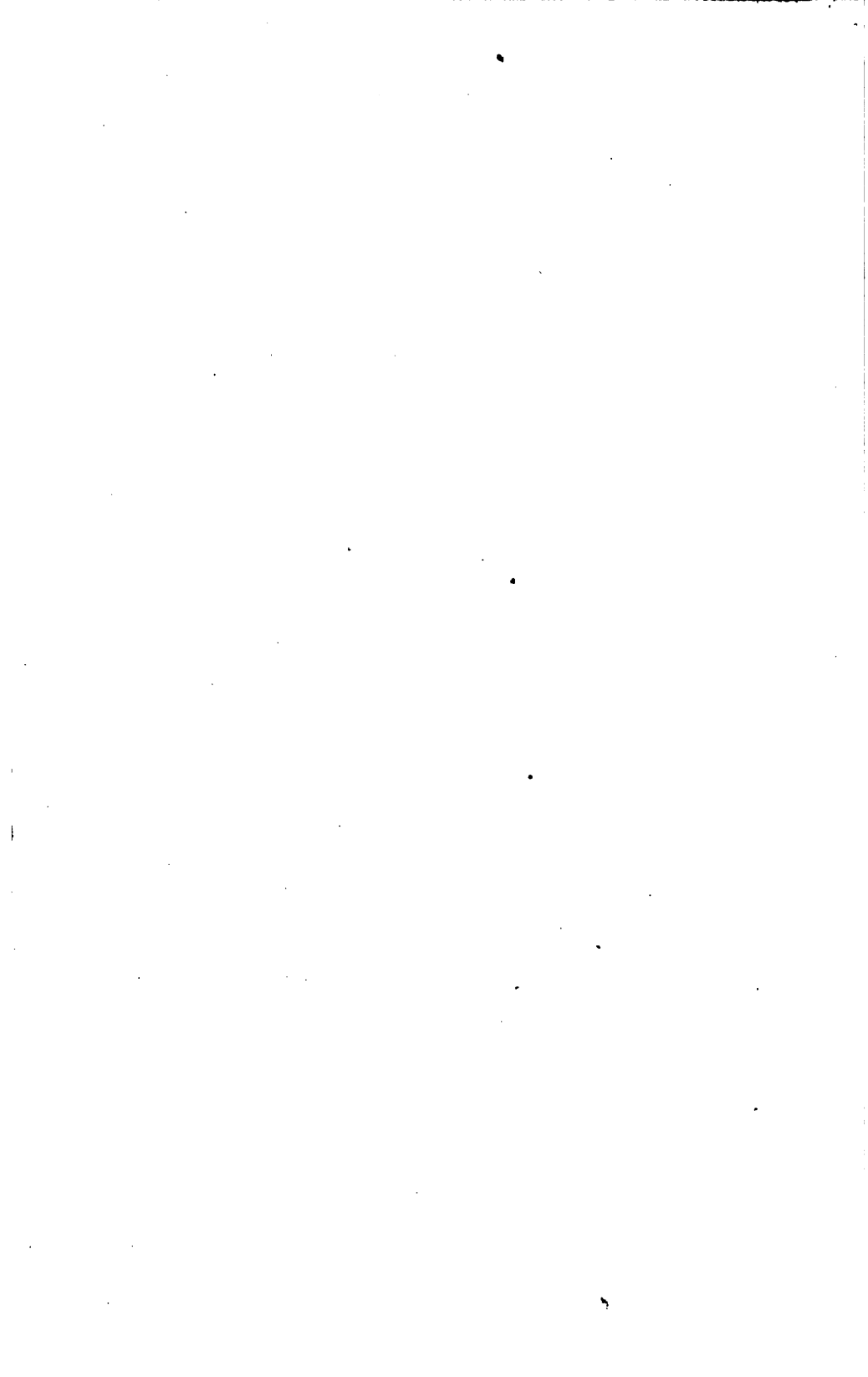
Indulgent reader, if I have your company thus far, I beg to part from you by presenting a thought from Pliny the Younger, who says, that writing a book is like making an entertainment, where, though every guest does not taste every dish, yet they all join in praising the design of the supper; and each one is not the less pleased with those things in the feast that are agreeable to his appetite, because there are other things that his appetite has not relished. So I shall consider myself exceedingly fortunate if I have succeeded in exciting in your mind a single thought that shall do you good. If the principles of this Tractate are not true, I do not wish them to prevail. If they are dross, let them be rejected; and if they are true, then, I am sure, that, like gold, they will come out of the fire all the purer for the trials that await them. Let me say to you, kind reader, in the words of an old friend:

"Vive, vale! si quid novisti rectius istis,
Candidus imperti: si non, his utere mecum.

Horace.

*Farewell! and if a better system's thine,
Impart it frankly, or make use of mine."*





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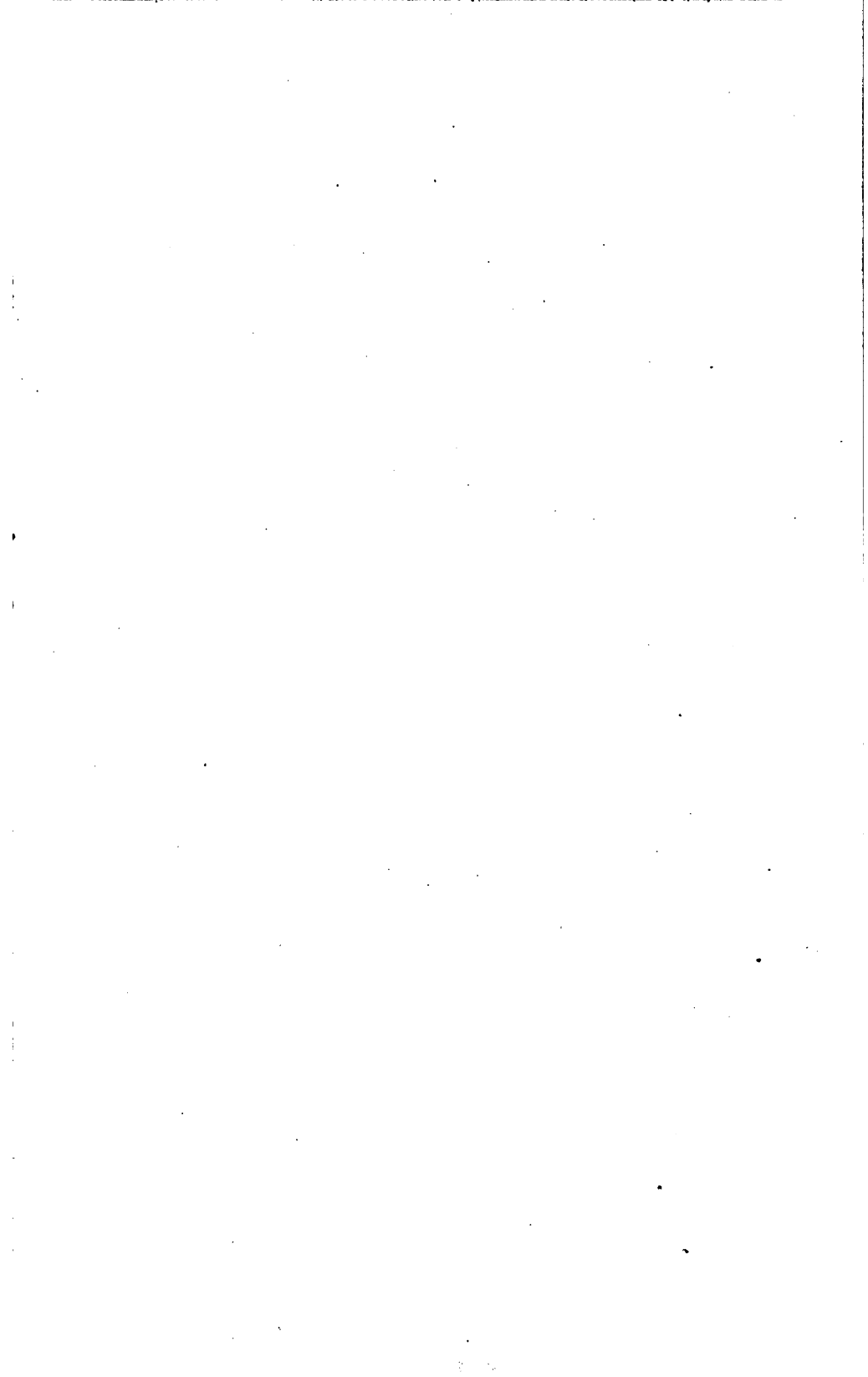
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